BY ORDER OF THE LIEUTENANT GOVERNOR OF BENGAL * FORWARDED

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

THE

CENTRAL PROVINCES CODE,

CONSISTING OF

THE BENGAL REGULATIONS AND THE LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL IN FORCE IN THE CENTRAL PROVINCES;

WITH

APPENDICES

COMPRISING

LISTS OF CERTAIN NOTIFICATIONS ISSUED FOR THE CENTRAL PROVINCES UNDER LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL,

AND

A LIST OF THE ACTS WHICH HAVE BEEN APPLIED TO THE SCHEDULED DISTRICTS OF THE CENTRAL PROVINCES BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874.

SECRETARIA

SECOND EDITION.

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PREFACE.

THIS, the second edition of the Central Provinces Code, contains (*1*) the Bengal Regulations and the Local Acts of the Governor General in Council in force in the Central Provinces, with a chronological table showing all repeals and amendments affecting those provinces, and (*2*) appendices comprising (i) lists of certain notifications issued for the Central Provinces under Local Acts of the Governor General in Council, and (ii) a list of the Acts which have been applied to the Scheduled Districts of those provinces by notification under the Scheduled Districts Act, 1874. The Acts of the Governor General in Council which apply to the Central Provinces in common with the rest of British India are printed in the volumes of General Acts published by the Legislative Department.

2. Part I of the volume is based on Clarke's edition of the Bengal Regulations published in 1854 under the authority of the Court of Directors of the East India Company, and Part II on the official copies of the Acts preserved in the Legislative Department; but the volume is not authoritative. Appendix I has been compiled from statements furnished by the Chief Commissioner, and Appendix II from notifications published in the Gazette of India and in the Central Provinces Gazette.

3. The following changes have been made in reprinting the Regulations and Acts:—

(*a*) repealed matter has been omitted, explanatory notes being inserted;

(*b*) amendments made by later enactments have been inserted in the text of the enactment amended, with explanatory footnotes; or, where this was not practicable, the amendments have been noted in footnotes;

(*c*) references to repealed enactments have been altered as directed by the enactment which effects the repeal, explanatory footnotes being added; or, where this was not practicable, an explanation has been given in a footnote;

(*d*) the number and year of enactments referred to in the text have been noted in the inner margin, except where both appear in the text;

(*e*) Arabic numerals have been substituted for the Roman numerals used in the Regulations and the earlier Acts to denote the section-numbers;

(*f*) section-numbers occurring in the text have been uniformly printed in figures, instead of in words;

(*g*) the marginal notes have in some cases been revised;

(*h*) words belonging to Oriental languages have been uniformly spelt;

(*i*) lengthy sections have sometimes been divided into clauses and paragraphs;

(*j*) the headings to the pages have been amplified;

(*k*) some footnotes, in addition to those mentioned in clauses (*a*), (*b*) and (*c*) above, have been inserted for convenience of reference.

4. Acts XX of 1856 and XXII of 1871 (Chaukidars) and Act VI of 1879 (Preservation of Elephants), which were printed in the first edition of this Code, have been omitted from this volume. The Chaukidars Acts are not now in practical operation in the Central Provinces, and Act VI of 1879 is printed in the volume of General Acts for 1877-81, Ed. 1884.

5. Acts IX of 1885 and II of 1887 (amending the Sea Customs Act, 1878, the Excise Act, 1881, &c.), though partially local in their operation, have not been printed in this volume, as they appear in the volume of General Acts for 1885-88. Similarly, Act XIII of 1890 [Excise (Malt Liquors)], though partially local in its operation, is reserved for the next volume of General Acts.

6. In passing this volume through the Press, I have had the zealous assistance of Mr. J. S. W. Young-Craig, Officiating Personal Assistant to the Secretary, Legislative Department.

7. The volume has been corrected up to the 1st January, 1891.

F. G. WIGLEY,
Barrister-at-law,
Offg. Under Secretary.

LEGISLATIVE DEPARTMENT:
Calcutta, the 8th January, 1891.

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THE CENTRAL PROVINCES CODE.

PART I:
THE BENGAL REGULATIONS IN FORCE IN THE CENTRAL PROVINCES.

BENGAL SECRETARIAT LIBRARY

REGULATION V OF 1799.[a]

Passed on the 3rd May, 1799.

A Regulation to limit the interference of the Zila and City Courts of Díwání Adálat[b] in the execution of wills and administration to the estates of persons dying intestate.

If there be more heirs than one to estate of intestate.

4. If there be more heirs than one to the estate of a person dying intestate, and they can agree amongst themselves in the appointment of a common manager, they are at liberty to take possession, and the Courts of Justice are restricted from interference, without a regular complaint, as in the case of a single heir;

but if the right of succession to the estate be disputed between several claimants, one or more of whom may have taken possession, the Judge, on a regular suit being preferred by the party out of possession, shall take good and sufficient security from the party or parties in possession for his or their compliance with the judgment that may be passed in the suit; or, in default of such security being given within a reasonable period, may give possession, until the suit may be determined, to the other claimant or claimants who may be able to give such security, declaring at the same time that such possession is not in any degree to affect the right of property at issue between the parties, but to be considered merely as an administration to the estate for the benefit of the heirs who may, on investigation, be found entitled to succeed thereto.

In what cases Judge may appoint ad-

5.[c] In the event of none of the claimants to the estate of a person dying intestate being able to give the security required by the preceding section, and

(a) Ss. 4, 5 and 6 of Ben. Reg. V of 1799 were declared in force in the Central Provinces by Act XX of 1875—see s. 3 and sch. to that Act, *infra*, pp. 77 and 79.

(b) The functions of the Court of "Sadr Díwání Adálat" are performed by the Judicial Commissioner—see Act XX of 1875, s. 3 and sch., *infra*, pp. 77 and 79.

(c) S. 5 is modified by Ben. Reg. V of 1827, printed *infra*, p. 20.

ministrator for care and management of estate of intestate.

in all cases wherein there may be no person authorized and willing to take charge of the landed estate of a person deceased, the Judge within whose jurisdiction such estate may be situated (or in which the deceased may have resided, or the principal part of the estate may lie, in the event of its being situated within two or more jurisdictions) is authorized to appoint an administrator for the due care and management of such estate, until, in the former case, the suit depending between the several claimants shall have been determined, or, in the latter case, until the legal heir to the estate, or other person entitled to receive charge thereof as executor, administrator or otherwise, shall attend and claim the same; when, if the Judge be satisfied that the claim is well founded, or if the same be established after any inquiry that may appear necessary, the administrator appointed by the Court shall deliver over the estate to him, with a full and just account of all receipts and disbursements during the period of his administration.

Security to be taken from, and allowances paid to, administrator.

6.[a] In all instances of an administrator being appointed under this Regulation, he is, previous to entering upon the execution of his office, to give good security for the faithful discharge of his trust in a sum proportionate to the extent thereof; and the Judge appointing him is authorized to fix for him (subject to the approbation of the Court of Sadr Díwání Adálat,[b] to whom a report is to be made in such instances) an adequate personal allowance to be paid out of the proceeds of the estate, and to be a percentage thereupon, after deducting the expenses of management.

REGULATION X OF 1804.[c]

Passed on the 14th December, 1804.

A Regulation for declaring the powers of the Governor General in Council to provide for the immediate punishment of certain offences against the State by the sentence of Courts-martial.

Preamble.

1. WHEREAS, during wars in which the British Government has been engaged against certain of the Native Powers of India, certain persons owing allegiance to the British Government have borne arms in open hostility to the authority of the same, and have abetted and aided the enemy, and have committed acts of violence and outrage against the lives and properties of the subjects of the said Government;

(a) S. 6 is modified by Ben. Reg. V of 1827, printed *infra*, p. 20.

(b) The functions of the Court of "Sadr Díwání Adálat" are performed by the Judicial Commissioner—see Act XX of 1875, s. 3 and sch., *infra*, pp. 77 and 79.

(c) Ben. Reg. X of 1804 was declared in force in the Central Provinces by Act XX of 1875—see s. 3 and sch. to that Act, *infra*, pp. 77 and 79.

and whereas it may be expedient that, during the existence of any war in which the British Government in India may be engaged with any Power whatever, as well as during the existence of open rebellion against the authority of the Government, in any part of the British territories subject to the government of the Presidency of Fort William, the Governor General in Council should declare and establish martial law within any part of the territories aforesaid, for the safety of the British possessions and for the security of the lives and property of the inhabitants thereof, by the immediate punishment of persons owing allegiance to the British Government who may be taken in arms in open hostility to the said Government, or in the actual commission of any overt act of rebellion against the authority of the same, or in the act of openly aiding and abetting the enemies of the British Government within any part of the territories above specified;

the following Regulation has been enacted by the Governor General in Council, to be in force throughout the British territories immediately subject to the government of the Presidency of Fort William from the date of its promulgation.

Power in time of war to suspend functions of ordinary Criminal Courts, and establish martial law;

2. The Governor General in Council is hereby declared to be empowered to suspend, or to direct any public authority or officer to order the suspension of, wholly or partially, the functions of the ordinary Criminal Courts of Judicature within any zila, district, city or other place, within any part of the British territories subject to the government of the Presidency of Fort William, and to establish martial law therein, for any period of time while the British Government in India shall be engaged in war with any Native or other Power, as well as during the existence of open rebellion against the authority of the Government, in any part of the territories aforesaid;

and to direct immediate trial by Courts-martial of lieges offending against Regulation.

and also to direct the immediate trial, by Courts-martial, of all persons owing allegiance to the British Government, either in consequence of their having been born, or of their being residents, within its territories and under its protection, who shall be taken in arms in open hostility to the British Government, or in the act of opposing by force of arms the authority of the same, or in the actual commission of any overt act of rebellion against the State, or in the act of openly aiding and abetting the enemies of the British Government within any part of the said territories.

Lieges convicted by Court-martial of crime specified in section 2 liable to immediate

3. It is hereby further declared that any person born or residing under the protection of the British Government within the territories aforesaid, and consequently owing allegiance to the said Government, who, in violation of the obligations of such allegiance, shall be guilty of any of the crimes specified in the preceding section, and who shall be convicted thereof by the sentence of a

punishment of death;

Court-martial, during the suspension of the functions of the ordinary Criminal Courts of Judicature and the establishment of the martial law, shall be liable to the immediate punishment of death, and shall suffer the same accordingly, by being hung by the neck till he is dead.

and to forfeiture of property.

All persons who shall, in such cases, be adjudged by a Court-martial to be guilty of any of the crimes specified in this Regulation shall also forfeit to the British Government all property and effects, real and personal, which they shall have possessed within its territories at the time when the crime of which they may be convicted shall have been committed.

Governor General not precluded from causing persons charged with offences to be tried by ordinary Courts.

4. The Governor General in Council shall not be precluded by this Regulation from causing persons charged with any of the offences described in the present Regulation to be brought to trial, at any time, before the ordinary Courts of Judicature,[a] instead of causing such persons to be tried by Courts-martial, in any cases wherein the latter mode of trial shall not appear to be indispensably necessary.

REGULATION XI OF 1806.[b]

Passed on the 3rd July, 1806.

A Regulation for facilitating the progress of detachments of troops through the Company's territories; for affording any requisite assistance to persons travelling through those territories[c];

Natives to be given to Collectors and Magistrates by officers commanding detachments.

2. Whenever a detachment of troops, or a single corps, shall be ordered to proceed, by land or by water, through any part of the Company's territories, the commanding officer of such detachment or corps is required to give the earliest practicable notice to the Collectors of the revenue of the zilas through which the troops are to pass of the probable time of their arrival within such districts respectively; together with information of the probable period of their arrival at the particular places where supplies may be required, and a specification of the supplies which will be wanted.

The commanding officer will likewise notify to the Collectors the probable

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(a) The words and figures repealed by Act XVI of 1874 have been omitted from s. 4.

(b) Ss. 2 to 6 and s. 6 of Ben. Reg. XI of 1806 (with the exception of such part as authorizes Collectors and their Native officers, or Magistrates and their Police-officers, to give their official aid in procuring coolies for the purpose of facilitating the march of troops or the progress of travellers, and with the exception of certain words and figures in s. 8) were declared in force in the Central Provinces by Act XX of 1875—see s. 3 and sch. to that Act, *infra*, pp. 77 and 79.

(c) The rest of this preamble is omitted as obsolete.

period of the arrival of the troops at the rivers or nálás intersecting their march, where boats or temporary bridges may be necessary for crossing the troops and the baggage attached to them.

The commanding officer will at the same time communicate to the Magistrates of the zilas through which the troops are to pass the probable time of the arrival of the troops within their respective jurisdictions.

Procedure of Collector on notice.

3. *First.*—On receiving the notification mentioned in the foregoing section, the Collector shall immediately issue the necessary orders to the landholders, farmers, tahsíldárs or other persons in charge of the lands through which the troops are to pass, for providing the supplies required, and for making any requisite preparations of boats or temporary bridges, or otherwise for enabling the troops to cross such rivers or nálás as may intersect their march, without any impediment or delay.

The Collector shall at the same time depute a creditable Native officer to accompany the troops through his jurisdiction, for the purpose of aiding in procuring the necessary supplies and of facilitating the march of the troops.

It shall also be the duty of such Native officer to provide the troops with whatever bearers, *coolies*,(a) boatmen, carts and bullocks as may be indispensably necessary to enable the troops to prosecute their route.

Police to assist in providing bearers, boatmen, carts and bullocks.

Should he experience any difficulty in the performance of this duty, he is at liberty to apply for assistance to the nearest police-officer, who is directed to afford his aid in providing the number of persons, and of carts and bullocks, required.(b)

Rates for supplies furnished to troops.

Second.—The supplies furnished under the foregoing clause (including earthen pots, firewood and every article of supply) shall be paid for by the persons receiving the same at the current bázár prices of the place at which they may be provided;

Commanding officers to inquire into, and redress, complaints against persons under their command.

and all officers commanding detachments of troops or single corps marching through any part of the Company's territories are enjoined to make immediate inquiry into any complaints which may be preferred to them by the persons furnishing such supplies or in their behalf, against any person or persons under their command, and to afford such redress to the complainants as the nature of the case may appear to require.

Certificate to be granted by commanding

4. *First.*—Whenever a detachment of troops or a single corps shall be provided with boats, temporary bridges or other accommodations, by any land-

(a) As to coolies, see the exception in Act XX of 1855, sch., *infra*, p. 79.
(b) As to fine for disobeying requisition under s. 3, see Ben. Reg. VI of 1825, *infra*, p. 16.

officer when troops are provided with boats, &c.

holder, farmer, tahsíldár or other person, conformably to the orders of the Collector of the zila, for the purpose of crossing the troops and their baggage over rivers or nálás, the commanding officer of such detachment or corps will grant a certificate to the person furnishing the same, specifying the number of boats and persons employed, the burthen of each boat, and how long employed on the public service.

In instances in which temporary bridges may be constructed for the above purpose, the certificate to be granted by the commanding officer is to specify, generally, the dimensions of the bridges and the materials of which they may be composed.

Certificate to be sent to Collector with account.

Second.—The certificate mentioned in the foregoing clause shall be immediately transmitted to the Collector of the zila by the person receiving it, accompanied by a detailed account of the expense incurred for the purposes therein specified.

Account to be sent by Collector to commanding officer. Endorsement by commanding officer.

The Collector shall without delay communicate the particulars of the account to the officer commanding the detachment or corps on whose account the expense may have been incurred, who shall certify generally thereon whether the services charged for in it were performed, or shall state such exceptions as he may have to offer to any of the charges.

Account and vouchers to be sent by Collector with his report to Government.

Third.—When the account above-mentioned shall be returned to the Collector, he shall certify whether the sums and rates charged in it are in his opinion reasonable and conformable to the usual rates of labour and hire in the zila; and shall transmit the account, with the vouchers and certificates relating to it, with any requisite observations thereupon, through the prescribed channel, to the Governor General in Council(a).

After the account shall have undergone the examination and report prescribed for all military contingent charges, the Governor General in Council(a) will pass such final order as may appear proper.

Collector may pay charge if reasonable.

In the meantime the Collector is empowered in such cases to pay the amount of the charge, or such proportion of it as he may consider reasonable, to the landholder, farmer or other person entitled thereto; inserting the amount so disbursed by him at the foot of his treasury-account, in explanation of his treasury-balance, in the mode prescribed for similar cases.

Procedure for landholders, &c., sustaining injury, from march or encampment.

5. *First.*—Whenever a proprietor, farmer, tenant or manager of land through which any detachment or corps of the Company's troops may march, or on which they may be encamped, shall consider himself entitled to compensation for any injury sustained from the march or encampment of the

(a) In the Central Provinces, the Chief Commissioner—see Act XX of 1875, sch., *infra*, p. 79.

troops, he shall immediately furnish the commanding officer of such troops with as accurate a statement as can be prepared of the nature and extent of the injury sustained;

when the commanding officer is required to certify generally thereon whether or not the damage represented to have been sustained has been actually committed, together with his opinion respecting the justice and extent of the claim.

Certificate by commanding officer.

Second.—If the proprietor, farmer, tenant or manager, after receiving such certificate, shall consider himself entitled to compensation, he will be at liberty to present the statement of his claim, with the commanding officer's certificate thereon, to the Collector of the zila (either in person or by his vakíl) within ten days from the date of the certificate; but no claim of this description shall be received by the Collector after the expiration of that period, unless the person preferring it shall assign good and satisfactory reason for the delay.

Certificate with statement of claim to be presented to Collector within ten days.

The Collector, on receiving a statement of damage and the commanding officer's certificate thereon within the prescribed period, or afterwards if sufficient reason be assigned for the delay, shall forthwith adopt such measures as may appear requisite to ascertain whether or not the claim be well founded; and shall report his proceedings to the Board of Revenue(a), accompanied by his opinion on the merits of the claim, for the consideration and orders of Government.

It is however declared that no claim will be received, unless accompanied by the prescribed certificate of the commanding officer of the troops by whom the damage may be stated to have been committed; excepting in instances in which the claimant can show good and sufficient cause for not having obtained such certificate.

In such cases, if the Collector shall be satisfied with the cause assigned by the claimant for not having obtained the prescribed certificate, he shall transmit the petition and statement of the claimant to the officer commanding the troops by whom the damage may be stated to have been committed, and shall wait his reply thereto previously to determining whether or not the claim be entitled to investigation.

6. Immediately on receiving the notification mentioned in section 2, the Magistrate shall transmit orders to the several police-dároghas, or other local officers of the police through whose jurisdiction the troops are to pass, to afford every assistance in their power to facilitate the march of the troops

Procedure by Magistrates on receiving notice mentioned in section 2.

(a) In the Central Provinces, the Chief Commissioner—see Act XX of 1875, sch., *infra*, p. 79.

through their respective jurisdictions; and to co-operate, as far as necessary, with the person deputed on the part of the Collector in procuring the requisite supplies, as well as in adjusting any disputes which may arise respecting the prices of the articles furnished, and in preventing any alarm to the inhabitants of the country.

Police empowered, in cases of necessity, to assist travellers in prosecuting their route.

8. Whenever any military officer, not commanding nor proceeding with a corps or detachment of troops, or any other person (whether European or Native) not restricted by Government from passing through the country, may be proceeding within any part of the Company's provinces, either on the public service or on his private affairs, and shall be in need of assistance during his route to enable him to prosecute his journey, he shall be at liberty to apply to the nearest local officer of police to aid him in providing any requisite bearers, *coolies* (a), boatmen, carts or bullocks, or any necessary supplies of provisions or other articles.

Assistance how afforded.

On receiving an application of the above nature, the police-officer to whom it may be made shall furnish the aid required, or cause it to be furnished by the proper person or persons: provided that a sufficient number of persons who have been accustomed to act as bearers, *coolies* (a) or boatmen, or the requisite number of carts and bullocks not exclusively appropriated to the purposes of agriculture and occasionally let for hire, can be procured within his jurisdiction.

Persons and carts and bullocks not to be employed in furnishing assistance.

But all police-officers are strictly forbidden, under pain of dismission from office, (b) on applications of the above nature, to compel any persons not accustomed to act as bearers, *coolies* (a) or boatmen to serve on such occasions, or to furnish a traveller, or cause him to be furnished, with bullocks or carts kept for private use and not for hire, or exclusively appropriated to the purposes of agriculture.

Persons employed to be at liberty to return from first police-station.

Persons so employed, and the persons in charge of carts and bullocks so provided, shall be at liberty to return from the first police-station in the next zila through which the corps or detachment is to march, unless a voluntary engagement to the contrary may be entered into by such persons.

Conditions of assistance to travellers.

The police-officers are further enjoined to be careful that a proper compensation for the bearers, *coolies* (a), boatmen, carts or bullocks employed, and a just price for the provisions or other articles provided, be secured to the persons entitled thereto.

For this purpose, the police-officers are authorized to adjust the rate of

(a) As to coolies, see the exception in Act XX of 1875, sch., *infra*, p. 79.

(b) The words and figures of section 8 which were excepted by Act XX of 1875, sch. (printed *infra*, p. 80), have been omitted.

hire to be paid for the bearers, *coolies*[a], boatmen, carts or bullocks required, and the price of any articles provided; as well as to demand that the whole or a part, according to the circumstances of the case, be paid in advance.

Should any traveller refuse to comply with the adjustment or demand so made by a police-officer, he will not be entitled to any assistance from the officers of Government under this Regulation.

REGULATION XI OF 1812.[b]

Passed on the 18th July, 1812.

A Regulation to empower the Governor General in Council to order the removal of emigrants from foreign countries, and their descendants, from any place in the vicinity of the frontier of the State from which they may have emigrated; and, in certain cases, to place and detain any such persons in safe custody; and likewise to provide for the trial of emigrants and their descendants who may excite disturbances in the countries from which they may have emigrated, and of persons aiding them in the prosecution of such attempts.

1. WHEREAS considerable bodies of persons, being Natives of Arakan and ordinarily denominated Muggs, have from time to time emigrated from that country and established themselves in that part of the district of Chittagong which lies contiguous to the Arakan frontier; Preamble.

and whereas numbers of those persons, or of their descendants, abusing the protection which had been afforded to them in the British territories, have excited disturbances and even levied war in the country of Arakan against the Government of Ava, of which State Arakan is now a dependency, and have conducted themselves in a manner manifestly tending to disturb the relations of amity which subsist between the British Government and the Government of Ava;

and whereas it is, in consequence, necessary that the Governor General in Council should possess legal powers to remove the said bodies of emigrants and their descendants from the frontier of the territory of Arakan, or any

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(a) As to coolies see the exception in Act XX of 1875, sch., *infra*, p. 79.
(b) Ben Reg. XI of 1812 was declared in force in the Central Provinces by Act XX of 1875—see s. 3 and sch. to that Act, *infra*, pp. 77 and 80.

other bodies of aliens, or their descendants, from the vicinity of the country from which they may have emigrated, and likewise to detain in confinement any of those persons, or any other individuals being natives of foreign countries, or their descendants, for offences of the above nature actually committed by them in the territories of the State from which they may have emigrated;

and whereas it is necessary to make provision for the trial of persons committing, or aiding in the commission of, the said offences,

the following rules have been passed, to be in force from the period of their promulgation throughout the territories immediately dependent on the Presidency of Fort William.

Power to order removal of emigrants to parts of country deemed convenient.

2. Whenever the Governor General in Council, upon due investigation, shall be satisfied that the emigrants from Arakan, or emigrants from any other State, who may have sought an asylum in the British territories, or the descendants of any of the said emigrants, shall have abused the protection afforded to them, by attempts to excite disturbances in the State from which they or their ancestors may have emigrated, it shall be competent to the Governor General in Council to order the removal of those persons to such other part or parts of the country as may be judged most convenient for their future residence.

In like manner, it shall be competent to the Governor General in Council to order such removal, whenever he may have grounds to be satisfied that the residence of any body of aliens, or their descendants, in the vicinity of the frontier of the country from which they or their ancestors may have emigrated, is likely to cause any serious misunderstanding between that State and the British Government.

Emigrants allowed to dispose of property.

3. Whenever any body of emigrants, or any individuals belonging to such body, shall be ordered to be removed from the part of the country in which they may have been established, they shall be allowed to dispose of any property which they may have acquired in such manner as they may judge proper:

Provided, however, that if they shall nevertheless retain the right to any real property at the period of their actual removal, it shall be competent to the Governor General in Council to order such property to be sold by public auction under the superintendence of the Collector of the district.

In that case, the net proceeds of the sale shall be duly paid to the person or persons to whom the said property belonged.

Power to order leaders or other emi-

4. In cases in which the Governor General in Council may, on due inquiry and mature deliberation, be satisfied that either the preservation of the tran-

quillity of the British territories, or of the dominions of the allies of the British Government, or the maintenance of the relations of amity subsisting between the British Government and other States, requires that any of the leaders or other persons of the above description, who may have committed the offences mentioned in section 2 of this Regulation, should be placed and detained under restraint, it shall be competent to the Governor General in Council to order any such persons having committed any of the said offences, but not otherwise, to be apprehended and committed to confinement at such place, and under the custody of such public officer, and detained in confinement for such time, as may be deemed by the Governor General in Council necessary for the public good.

grants to be apprehended and kept under restraint.

5. *First.*—Any persons of the above description, or their descendants, who, while living under the protection of the British Government, shall enter the country from which they or their ancestors may have emigrated, or any other foreign country, and shall excite, or attempt to excite, disturbances in the said countries, shall be liable to be brought to trial for that offence,(a) and, if convicted, shall be sentenced to suffer imprisonment for the period of seven years.

Punishment for emigrants or their descendants exciting disturbances in countries from which they emigrated.

Second.—Any persons, whether Native British subjects or aliens, who shall furnish emigrants from foreign countries with any assistance, either of men, money or arms, in prosecution of their attempts to excite disturbances in the country from which they may have emigrated, or in any other country, or shall otherwise aid such aliens in the prosecution of their criminal design, shall be liable to be brought to trial for that offence,(a) and, if convicted, shall be sentenced to suffer imprisonment for the term of seven years:

Punishment for persons siding or assisting in attempts to excite such disturbances.

Provided, however, that if the Judge(a) by whom the case may be tried shall be of opinion that the punishment established by this and the preceding clause should in any instance be mitigated, he shall submit the proceedings held on the trial to the Nizámat Adálat,(b) who will recommend to the Governor General in Council such alleviation of the prescribed punishment as they may judge proper:

Proviso.

Provided, moreover, that no sentence or order which may be passed on the trial of any persons under the provisions of the present Regulation shall be competent, or shall be construed, to preclude the Governor General in Council from the exercise of the power vested in the Government by section 4 of the said Regulation.

(a) The words repealed by Act XVI of 1874 have been omitted from s. 5.

(b) In the Central Provinces, the powers of the Nizámat Adálat are exercised by the Judicial Commissioner—see Act XX of 1875 sch., *infra*, p. 80.

REGULATION III OF 1818.(a)

Passed on the 7th April, 1818.

A Regulation for the confinement of State Prisoners.

Preamble.

1. WHEREAS reasons of State, embracing the due maintenance of the alliances formed by the British Government with foreign Powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection, and the security of the British dominions from foreign hostility and from internal commotion, occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceeding, or when such proceeding may not be adapted to the nature of the case, or may for other reasons be unadvisable or improper;

and whereas it is fit that, in every case of the nature herein referred to, the determination to be taken should proceed immediately from the authority of the Governor General in Council;

and whereas the ends of justice require that, when it may be determined that any person shall be placed under personal restraint, otherwise than in pursuance of some judicial proceeding, the grounds of such determination should from time to time come under revision, and the person affected thereby should at all times be allowed freely to bring to the notice of the Governor General in Council all circumstances relating either to the supposed grounds of such determination, or to the manner in which it may be executed;

and whereas the ends of justice also require that due attention be paid to the health of every State prisoner confined under this Regulation, and that suitable provision be made for his support according to his rank in life, and to his own wants and those of his family;

and whereas the reasons above declared sometimes render it necessary that the estates and lands of zamíndárs, taluqdárs and others situated within the territories dependent on the Presidency of Fort William should be attached and placed under the temporary management of the revenue-authorities, without having recourse to any judicial proceeding;

and whereas it is desirable to make such legal provisions as may secure from injury the just rights and interests of individuals whose estates may be so attached under the direct authority of Government;

(a) Ben. Reg. III of 1818 was declared in force in the Central Provinces by Act XX of 1875—see s. 3 and sch. to that Act, *infra*, pp. 77 and 80.

the Vice-President in Council has enacted the following rules, which are to take effect throughout the Provinces immediately subject to the Presidency of Fort William, from the date on which they may be promulgated.

Proceeding for placing persons under restraint as State prisoners.

2. *First.*—When the reasons stated in the preamble of this Regulation may seem to the Governor General in Council to require that an individual should be placed under personal restraint, without any immediate view to ulterior proceedings of a judicial nature, a warrant of commitment under the authority of the Governor General in Council, and under the hand of the Chief Secretary, or of one of the Secretaries to Government, shall be issued to the officer in whose custody such person is to be placed.

Form of warrant.

Second.—The warrant[a] of commitment shall be in the following form:—

To the [*here insert the officer's designation.*]

"Whereas the Governor General in Council, for good and sufficient reasons, has seen fit to determine that [*here insert the State prisoner's name*] shall be placed under personal restraint at [*here insert the name of the place*], you are hereby required and commanded, in pursuance of that determination, to receive the person above-named into your custody, and to deal with him in conformity to the orders of the Governor General in Council and the provisions of Regulation III of 1818.

"Fort William, the

"By order of the Governor General in Council,

"*A. B.*, Chief Secy. to Govt."

Authority of warrant.

Third [a].—The warrant of commitment shall be sufficient authority for the detention of any State prisoner in any fortress, jail or other place within the territories subject to the Presidency of Fort William.

Officers having custody of State prisoners to submit periodical reports.

3. Every officer in whose custody any State prisoner may be placed shall, on the first of January and first of July of each year, submit a report to the Governor General in Council, through the Secretary to Government in the Political Department, on the conduct, the health and the comfort of such State prisoner, in order that the Governor General in Council may determine whether the orders for his detention shall continue in force or shall be modified.

State prisoners in custody of

4. *First.*—When any State prisoner is in the custody of a Zila or City Magistrate, the Judges[b] are to visit such State prisoner on the occasion of the

(a) As to direction of warrant, see Act XXXIV of 1850, in General Acts, 1834-66, Ed. 1887, p. 70. As to places in which a State prisoner may be confined, see *ib.*, also Act III of 1858, ss. 2, 5, in same volume, p. 134.

(b) The words repealed by Act XVI of 1874 have been omitted from s. 4.

Zila or City Magistrate by whom to be visited.

periodical sessions, and they are to issue any orders concerning the treatment of the State prisoner which may appear to them advisable, provided they be not inconsistent with the orders of the Governor General in Council issued on that head.

State prisoners in custody of other officers, by whom to be visited.

Second.—When any State prisoner is placed in the custody of any public officer not being a Zila or City Magistrate, the Governor General in Council will instruct either the Zila or City Magistrate, or the Judge([a]) or any other public officer, not being the person in whose custody the prisoner may be placed, to visit such prisoner at stated periods, and to submit a report to Government regarding the health and treatment of such prisoner.

Representations by State prisoners to be submitted to Government.

5. The officer in whose custody any State prisoner may be placed is to forward, with such observations as may appear necessary, every representation which such State prisoner may from time to time be desirous of submitting to the Governor General in Council.

Report to Government regarding confinement, &c., of prisoners.

6. Every officer in whose custody any State prisoner may be placed shall, as soon after taking such prisoner into his custody as may be practicable, report to the Governor General in Council whether the degree of confinement to which he may be subjected appears liable to injure his health, and whether the allowance fixed for his support be adequate to the supply of his own wants and those of his family, according to their rank in life.

Appropriation of allowance for support.

7. Every officer in whose custody any State prisoner may be placed shall take care that the allowance fixed for the support of such State prisoner is duly appropriated to that object.

8. [*Application of ss. 3-7 to persons already in confinement.*] *Rep. by Act XVI of 1874.*

Attachment of estates by order of Government without decision of Court.

9. Whenever the Governor General in Council, for the reasons declared in the preamble to this Regulation, shall judge it necessary to attach the estates or lands of any zamíndár, jágírdár, taluqdár or other person, without any previous decision of a Court of Justice, or other judicial proceeding, the grounds on which the Resolution of Government may have been adopted, and such other information connected with the case as may appear essential, shall be communicated, under the hand of one of the Secretaries to Government, to the Judge and Magistrate of the district in which the lands or estates may be situated,([a]) to([b]) the Sadr Díwání Adálat and Nizámat Adálat.

Management of attached estates.

10. *First.*—The lands or estates which may be so temporarily attached shall be held under the management of the officers of Government in the

([a]) The words repealed by Act XVI of 1874 have been omitted from ss. 4 and 9.
([b]) *Sic. Read* and to.

Revenue Department, and the collections shall be made and adjudged on the same principles as those of other estates held under khás management.

Second.—Such lands or estates shall not be liable to be sold in execution of decrees of the Civil Courts, or for the realization of fines or otherwise, during the period in which they may be so held under attachment.

Attached lands not liable to sale in execution.

Third.—In the cases mentioned in the preceding clause the Government will make such arrangement as may be fair and equitable for the satisfaction of the decrees of the Civil Courts.

Government to arrange for satisfaction of decrees.

11. Whenever the Governor General in Council shall be of opinion that the circumstances which rendered the attachment of such estate necessary have ceased to operate, and that the management of the estate can be committed to the hands of the proprietor without public hazard or inconvenience, the Revenue-authorities will be directed to release the estate from attachment, to adjust the accounts of the collections during the period in which they may have been superintended by the officers of Government, and to pay over to the proprietor the profits from the estate which may have accumulated during the attachment.

Rules as to cases where Government orders release of estate from attachment.

REGULATION VI OF 1825.[a]

Passed on the 4th April, 1825.

A Regulation for rendering more effectual the rules in force relative to supplies and preparations for troops proceeding through the British territories.

1. WHEREAS it is enacted in the first clause of section 3, Regulation XI, 1806,[b] that on receiving the notification mentioned in the preceding section, relative to a body of troops about to proceed, by land or by water, through any part of the Company's territories, the Collector of the district shall immediately issue the necessary orders to the landholders, farmers, tahsíldárs or other persons in charge of the lands through which the troops are to pass, for providing the supplies required, and for making any requisite preparations of boats or temporary bridges, or otherwise for enabling the troops to cross such rivers or nálás as may intersect their march without impediment or delay; it being at the same time further directed, in the second clause of the section referred to, that the supplies so furnished shall be paid for by the

Preamble.

(a) Ben. Reg. VI of 1825 was declared in force in the Central Provinces by Act XX of 1875—see s. 3 and sch. to that Act, *infra*, pp. 77 and 80.
(b) Printed *supra*, p. 5.

persons receiving the same at the current bazar prices of the place at which they may be provided, and that the expense incurred for crossing the troops and their baggage over rivers or nálás, after being duly ascertained, will be paid by Government;

and whereas experience has shown the necessity of enabling the Collectors or other public officers acting in that capacity to enforce their orders in the cases above-mentioned, by imposing a fine upon any landholder, tahsíldár or other person in the possession or management of land, who, after receiving the requisition issued in pursuance of the section above cited, may be proved to have wilfully disobeyed or neglected the same;

the Governor General in Council has therefore enacted the following rules, to be in force as soon as promulgated in all the Provinces immediately subject to the Presidency of Fort William.

Penalty for landholders not providing supplies for troops, &c.

2. Any landholder, farmer, tahsíldár or other person in the possession or management of land, who may have been duly required by a Collector of the land-revenue (or any public officer acting in that capacity), in pursuance of section 3, Regulation XI, 1806,(a) to provide supplies for a body of troops about to proceed by land or water through any part of the British territories, or to make preparations of boats, temporary bridges or otherwise, for enabling the troops to cross rivers or nálás intersecting their march;

and after the receipt of such requisition shall wilfully disobey or neglect the same, or shall without sufficient cause fail to exert himself for the due execution of the duty so assigned to him,

shall, on proof of such failure, neglect or disobedience, to the satisfaction of the Collector (or other officer acting in that capacity) by whom the order may have been issued, or of his successor in the same office, be liable to a fine proportionate to the defaulter's condition in life and the circumstances of the case, in such amount as the Collector or other officer, with due regard to these considerations, may judge it proper to impose, so that the fine shall not in any case exceed the sum of one thousand sikká rupees.

Collector to make summary inquiry.

3. The Collector or other officer acting in that capacity, who may exercise the powers vested in him by this Regulation, shall previously make a summary inquiry, in the presence of the party charged with disobeying or neglecting the order issued to him, or of his representative, if, on being duly summoned, he shall attend in person or by vakíl for that purpose;

if he shall fail to attend, either in person or by vakíl, the summary inquiry shall be conducted *ex parte*, and the Collector shall record upon his

(a) Printed *supra*, p. 5.

proceedings the whole of the evidence obtained in proof of the neglect or disobedience for which a fine may be imposed.

4. The Collector or other officer who may adjudge a fine under this Regulation shall be competent to levy the amount by the same process as is authorized for the recovery of arrears of the public revenue: Fine how levied.

Provided that if an appeal be preferred from his decision, within six weeks from the date of it, to the Board of Revenue[a] in whose jurisdiction the district may be situate, and sufficient security be tendered for performing the judgment of the Board upon the appeal, the Collector shall stay the execution of his order for levying the fine imposed by him, until he shall receive the final order of the Board.[a] Proviso as to appeal.

5. Appeals from the orders of Collectors or other public officers, adjudging fines under this Regulation, may be preferred[b] either immediately to the proper Board,[a] or through the officer by whom the fine may have been adjudged; and, on admission of the appeal, the whole of the proceedings in the case shall be transmitted to the Board.[a] Petition of appeal against fine.

But no such appeal shall be receivable after the expiration of six weeks from the date of the judgment, without proof of sufficient reason for the delay, to the satisfaction of the Board[a] by whom the case may be cognizable. Limitation of appeal.

REGULATION XI OF 1825.[c]

Passed on the 26th May, 1825.

A Regulation for declaring the rules to be observed in determining claims to lands gained by alluvion, or by dereliction of a river or the sea.

1. In consequence of the frequent changes which take place in the channel of the principal rivers that intersect the Provinces immediately subject to the Presidency of Fort William, and the shifting of the sands which lie in the beds of those rivers, chars or small islands are often thrown up by alluvion in the midst of the stream, or near one of the banks, and large portions of land are carried away by an encroachment of the river on one side, whilst accessions of land are at the same time, or in subsequent years, gained by dereliction of Preamble.

(a) In the Central Provinces, the Chief Commissioner—see Act XX of 1875, sch., *infra*, p. 80.
(b) The words repealed by Act XII of 1876 have been omitted from s. 5.
(c) Ben. Reg. XI of 1825 was declared in force in the Central Provinces by Act XX of 1875—see s. 3 and sch. to that Act, *infra*, pp. 77 and 80.

the water on the opposite side; similar instances of alluvion, encroachment and dereliction also sometimes occur on the sea-coast which borders the southern and south-eastern limits of Bengal.

The lands gained from the rivers or sea by the means above-mentioned are a frequent source of contention and affray, and, although the law and custom of the country have established rules applicable to such cases, these rules not being generally known, the Courts of Justice have sometimes found it difficult to determine the rights of litigant parties claiming chars or other lands gained in the manner above described.

The Court of Sadr Díwání Adálát, with a view to ascertain the legal provisions of the Muhammadan and Hindú laws on this subject, called for reports from their law-officers of each persuasion; and on consideration of the reports furnished by the law-officers in consequence, as well as of the decisions which have been passed by the Court of Sadr Díwání Adálat in cases brought before them in appeal which involved the rights of claimants to lands gained by alluvion, or by dereliction of rivers or the sea, the Governor General in Council has deemed it proper to enact the following rules for the general information of individuals as well as for the guidance of the Courts of Judicature; to be in force, as soon as promulgated, throughout the whole of the Provinces subject to the Presidency of Fort William.

Claims and disputes as to alluvial lands to be decided by usage when clearly recognized and established.

2. Whenever any clear and definite usage of shikast paiwast respecting the disjunction and junction of land by the encroachment or recess of a river may have been immemorially established, for determining the rights of the proprietors of two or more contiguous estates divided by a river (such as that the main channel of the river dividing the estates shall be the constant boundary between them, whatever changes may take place in the course of the river, by encroachment on one side and accession on the other), the usage so established shall govern the decision of all claims and disputes relative to alluvial land between the parties whose estates may be liable to such usage.

Where no usage established, claims how decided.

3. Where there may be no local usage of the nature referred to in the preceding section, the general rules declared in the following section shall be applied to the determination of all claims and disputes relative to lands gained by alluvion or by dereliction either of a river or the sea.

Land gained by gradual accession from recess of river or sea.

4. *First.*—When land may be gained by gradual accession, whether from the recess of a river or of the sea, it shall be considered an increment to the tenure of the person to whose land or estate it is thus annexed, whether such land or estate be held immediately from Government by a zamíndár or other superior landholder, or as a subordinate tenure, by any description of under-tenant whatever:

Provided that the increment of land thus obtained shall not entitle the person in possession of the estate or tenure to which the land may be annexed to a right of property or permanent interest therein beyond that possessed by him in the estate or tenure to which the land may be annexed, and shall not in any case be understood to exempt the holder of it from the payment to Government of any assessment for the public revenue to which it may be liable under the provisions of Regulation II, 1819(a), or of any other Regulation in force.

Extent of interest in increment of person in possession.

Nor if annexed to a subordinate tenure held under a superior landholder, shall the under-tenant, whether a khudkásť raiyat, holding a maurúsí istimrárí tenure at a fixed rate of rent per bíghá, or any other description of under-tenant liable by his engagements, or by established usage, to an increase of rent for the land annexed to his tenure by alluvion, be considered exempt from the payment of any increase of rent to which he may be justly liable.

Second.—The above rule shall not be considered applicable to cases in which a river, by a sudden change of its course, may break through and intersect an estate, without any gradual encroachment, or may by the violence of stream separate a considerable piece of land from one estate, and join it to another estate, without destroying the identity, and preventing the recognition, of the land so removed.

When river by sudden change of course intersects estate.

In such cases the land, on being clearly recognized, shall remain the property of its original owner.

Third.—When a char or island may be thrown up in a large navigable river (the bed of which is not the property of an individual), or in the sea, and the channel of the river or sea between such island and the shore may not be fordable, it shall, according to established usage, be at the disposal of Government.

Chars thrown up in navigable river or sea.

But if the channel between such island and the shore be fordable at any season of the year, it shall be considered an accession to the land, tenure or tenures of the person or persons whose estate or estates may be most contiguous to it, subject to the several provisions specified in the first clause of this section with respect to increment of land by gradual accession.

Property therein when channel fordable.

Fourth.—In small and shallow rivers, the beds of which, with the jalkar right of fishery, may have been heretofore recognized as the property of individuals, any sand-bank or char that may be thrown up shall, as hitherto, belong to the proprietor of the bed of the river, subject to the provisions stated in the first clause of the present section.

Chars, &c., thrown up in small shallow rivers.

(a) Ben. Reg. II of 1819 is not in force in the Central Provinces—see now Act XVIII of 1881, *infra*, p. 116.

Disputes relative to lands gained by alluvion or by dereliction not provided for by Regulation.

Fifth.—In all other cases, namely, in all cases of claims and disputes respecting land gained by alluvion or by dereliction of a river or the sea, which are not specifically provided for by the rules contained in this Regulation, the Courts of Justice, in deciding upon such claims and disputes, shall be guided by the best evidence they may be able to obtain of established local usage, if there be any applicable to the case, or, if not, by general principles of equity and justice.

Encroachments on beds of navigable rivers and other obstructions.

5. Nothing in this Regulation shall be construed to justify any encroachments by individuals on the beds or channels of navigable rivers, or to prevent Zila and City Magistrates or any other officers of Government, who may be duly empowered for that purpose, from removing obstacles which appear to interfere with the safe and customary navigation of such rivers, or which shall in any respects obstruct the passage of boats by tracking on the banks of such rivers, or otherwise.

REGULATION V OF 1827.[a]

Passed on the 27th December, 1827.

A Regulation for modifying the rules at present in force for the management of estates under attachment by orders of the Courts of Justice in certain cases.

Preamble.

1. WHEREAS it is expedient, in all cases of the attachment of landed property under orders of the Courts of Justice, that the management of the estate attached should be placed under the superintendence of the Collectors of land-revenue; the following rules have been enacted by the Governor General in Council, to be in force from the date of their promulgation throughout the territories immediately subject to the Presidency of Fort William.

Modification of Regulation V of 1799 as to management of attached estates.

2. The rules contained in sections 5 and 6, Regulation V, 1799,[b] [c]regarding the administration and management of estates under orders of the Zila[d] Courts, are hereby declared subject to the following modifications.

Issue of precept for holding estates

3. Whenever the Zila[d] Courts may deem it just and proper, under the provisions of the several Regulations abovementioned, to provide for the

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(a) Ben. Reg. V of 1827 (with the exception of certain words and figures of s. 2) was declared in force in the Central Provinces by Act XX of 1875—see s. 3 and sch. to that Act, *infra*, pp. 77 and 80.

(b) Printed *supra*, p. 1.

(c) The words and figures excepted by Act XX of 1875, sch., and those repealed by Act XVI of 1874, have been omitted from s. 2.

(d) The words repealed by Act XVI of 1874 have been omitted from ss. 2 and 3.

administration or management of landed property, the Court shall issue a precept to the Collector of land-revenue of the district wherein the estate may be situated, directing him to hold the estate in attachment, and to appoint a person for the due care and management of the estate, under good and adequate security for the faithful discharge of the trust, in a sum proportionate to the extent thereof:

under attachment and for appointing managers.

Provided, however, that if any person holding an interest in the estate shall be dissatisfied with the selection made by the Collector of the individual to perform the duty in question, or with the conduct of the manager at any time after his appointment, it shall be competent to such person to represent his objections to the Board of Revenue,[a] and the Board[a] will either confirm the manager chosen, or order the Collector to appoint another person, as on consideration of the circumstances of the case may appear reasonable and proper.

4. The precept of the Zila[b] Court above-mentioned shall state specifically the property to be included in the attachment, and the attachment shall not be withdrawn without a further precept from the Court to that effect.

Precept to state property included in attachment.

(a) In the Central Provinces, the Chief Commissioner—see Act XX of 1875, sch., *infra*, p. 80.
(b) The words repealed by Act XVI of 1874 have been omitted from s. 4.

PART II:

THE LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL IN FORCE IN THE CENTRAL PROVINCES.

ACT No. XIII of 1857.[a]

Received the assent of the Governor General on the 6th June, 1857.

An Act to consolidate and amend the law relating to the cultivation of the poppy and the manufacture of opium in the Presidency of Fort William in Bengal.

Penalty for unlicensed cultivation.

21. Any person who shall cultivate the poppy without license from a Sub-deputy Agent or other officer duly authorized in that behalf, and any person who shall in any way cause, encourage or promote such illegal cultivation, shall be liable to a fine not exceeding five hundred rupees, unless the quantity of land so illegally cultivated shall exceed twenty bíghás, in which case the fine may be at the rate of twenty-five rupees per bíghá; and the poppy-plants shall be destroyed, or, if any opium have been extracted from them, it shall be seized and confiscated.

If the opium shall have been extracted and shall not be seized, the offender shall be liable to a further fine not exceeding the rate of thirty-two rupees per bíghá of land illegally cultivated.

Duty of land-holders and others to give information of illegal cultivation.

22. All proprietors, farmers, tahsíldárs, gumáshtas and other managers of land shall give immediate information to the police or abkárí-dároghas, or opium-gumáshtas, or to the Magistrates, Collectors or officers in charge of the abkárí mahál, or to the Agents, their Deputies or Sub-deputies, of all poppy which may be illegally cultivated within the estates or farms held or managed by them; and every proprietor, farmer, tahsíldár, gumáshta or other manager of land who shall knowingly neglect to give such information shall be liable to the penalties for illegal cultivation prescribed in the last preceding section.

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[a] Ss. 21 to 23 and 25 to 29 of Act XIII of 1857 were declared in force in the Central Provinces by Act XX of 1875—see s. 3 and sch. to that Act, *infra*, pp. 77 and 80.

Duty of police and other officers to give information of illegal cultivation.

23. All police and abkárí-dároghas, and opium-gumáshtas, and all Native officers of Government of whatever description, and all chaukídárs, paiks and other village police-officers, shall give immediate information to the authority to which they are subordinate when it may come to their knowledge that any land has been illegally cultivated with poppy; and such authority shall transmit the information to the Sub-deputy Agent, or other officer superintending the cultivation of the poppy, if in a district where the poppy is cultivated on account of Government, or to the Collector or officer in charge of the ábkárí mahál, if in a district where the poppy is not so cultivated.

Every police or ábkárí-dárogha, opium-gumáshta, Native officer, chaukídár or other police-officer as aforesaid, who shall neglect to give such information, or shall in any respect connive at the illicit cultivation of the poppy, shall be liable to a fine not exceeding one thousand rupees if the offender be an officer of the Opium Department, or in any other case to a fine not exceeding five hundred rupees.

Landholders, &c., may attach in cases of illegal cultivation.

25. Proprietors, farmers, tahsíldárs, gumáshtas and other managers of land shall be at liberty to attach any poppy grown in opposition to the provisions of this Act in any estate or farm held or managed by them, and shall immediately report such attachment to the nearest police or ábkárí-dárogha or opium-gumáshta, who shall thereupon proceed in conformity with the rules contained in the last preceding section.

Adjudication of penalties.

26. Except as otherwise herein provided, all fines, penalties and confiscations prescribed by this Act shall be adjudged by the Magistrate on the information of the Deputy Agent or Sub-deputy Agent in districts in which the poppy is cultivated on account of Government, and in other districts on the information of the Collector or officer in charge of the ábkárí mahál:

Limitation to prosecutions.

Provided that no information of an offence against this Act shall be admitted unless it be preferred within the period of one year after the commission of the offence to which the information refers.

Imprisonment in default of payment of fine.

27. When any person is sentenced to pay any fine or penalty under this Act, such person, in default of payment of the same, may be imprisoned by order of the Magistrate for any time not exceeding six months, or until the fine is sooner paid.

Punishment for repetition of offences.

28. Whenever any person shall be convicted of an offence against this Act after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment for a period not exceeding six months; and a like punishment of imprisonment not exceeding six months shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.

29. Every person who shall be imprisoned under the last preceding section, or on account of the non-payment of any fine or penalty prescribed by this Act, unless such person be an officer of Government or a village-police-officer convicted of an offence under section 17, 20[a] or 23, shall be imprisoned in the civil jail. Place of imprisonment.

ACT No. III of 1867.[b]

Received the assent of the Governor General on the 25th January, 1867.

An Act to provide for the punishment of public gambling and the keeping of common gaming-houses in the North-Western Provinces of the Presidency of Fort William, [and] in the Punjab, Oudh, the Central Provinces and British Burma.[c]

WHEREAS it is expedient to make provision for the punishment of public gambling and the keeping of common gaming-houses in the territories respectively subject to the Governments of the Lieutenant-Governor of the North-Western Provinces of the Presidency of Fort William, [and] of the Lieutenant-Governor of the Punjab, and to the Administrations of the Chief Commissioner of Oudh, of the Chief Commissioner of the Central Provinces and of the Chief Commissioner of British Burma; [c] It is hereby enacted as follows:— Preamble.

1. In this Act— Interpretation-clause.

"Lieutenant-Governor" means the Lieutenant-Governor of the said North-Western Provinces or the Punjab, as the case may be: "Lieutenant-Governor."

"Chief Commissioner" means the Chief Commissioner of Oudh, the Central Provinces or British Burma, [c] as the case may be: "Chief Commissioner."

"common gaming-house" means any house, walled enclosure, room or place in which cards, dice, tables or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping such house, enclosure, room or place, whether by way of charge for the use of "common gaming-house."

(a) Ss. 17 and 20 are not in force in the Central Provinces.

(b) Act III of 1867 was declared by Act XIV of 1874, s. 10 (printed, General Acts, 1867-76, Ed. 1887, p. 482), to be in force in the tract of land ceded to the British Government in the year 1863, and lying between the railway station at Sutna and the eastern boundary of the Jubbulpore district.

(c) These references to British Burma should now be read as referring to Lower Burma—see Act XX of 1886, s. 4, in Burma Code, Ed. 1889, p. 364. The Chief Commissioner is now Chief Commissioner of Burma—see Proclamation dated 25th September, 1886, in Gazette of India, 1886, Part I, p. 539.

the instruments of gaming, or of the house, enclosure, room or place, or otherwise howsoever:

Number. words in the singular include the plural, and *vice versâ*; and

Gender. words denoting the masculine gender include females.

Power to extend Act. 2. Sections 13, 17 and 18 [a] of this Act shall extend to the whole of the said territories; and it shall be competent to the Lieutenant-Governor or the Chief Commissioner, as the case may be, whenever he may think fit, to extend[b], by a notification to be published in three successive numbers of the official Gazette, all or any of the remaining sections of this Act to any city, town, suburb, railway-station-house and place being not more than three miles distant from any part of such station-house, within the territories subject to his government or administration, and in such notification to define, for the purposes of this Act, the limits of such city, town, suburb or station-house, and from time to time alter the limits so defined.

From the date of any such extension, so much of any rule having the force of law which shall be in operation in the territories to which such extension shall have been made, as shall be inconsistent with or repugnant to any section so extended, shall cease to have effect in such territories.

Penalty for owning or keeping, or having charge of, a gaming-house. 3. Whoever, being the owner or occupier, or having the use, of any house, walled enclosure, room or place, situate within the limits to which this Act applies, opens, keeps or uses the same as a common gaming-house; and

whoever, being the owner or occupier of any such house, walled enclosure, room or place as aforesaid, knowingly or wilfully permits the same to be opened, occupied, used or kept by any other person as a common gaming-house; and

whoever has the care or management of, or in any manner assists in conducting, the business of any house, walled enclosure, room or place as aforesaid, opened, occupied, used or kept for the purpose aforesaid; and

whoever advances or furnishes money for the purpose of gaming with persons frequenting such house, walled enclosure, room or place;

shall be liable to a fine not exceeding two hundred rupees, or to imprisonment of either description, as defined in the Indian Penal Code,[c] for any term XLV of 186
not exceeding three months.[d]

(a) S. 18 is repealed—see *infra*, p. 30.

(b) For list of places in the Central Provinces to which this Act (except ss. 13, 17 and 18) has been extended, see Appendix I.

(c) See Act XLV of 1860, s. 53. (For Act XLV of 1860, see the revised edition as modified up to the 1st August, 1890, published by the Legislative Department)

(d) As to enhanced punishment for a second conviction of an offence under s. 3 or s. 4, see s. 15, *infra*, p. 30.

4. Whoever is found in any such house, walled enclosure, room or place, playing or gaming with cards, dice, counters, money or other instruments of gaming, or is found there present for the purpose of gaming, whether playing for any money, wager, stake or otherwise, shall be liable to a fine not exceeding one hundred rupees, or to imprisonment of either description, as defined in the Indian Penal Code,[a] for any term not exceeding one month;[b] XLV of 1860.

Penalty for being found in gaming-house.

and any person found in any common gaming-house during any gaming or playing therein shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

5. If the Magistrate of a district [c] or other officer invested with the full powers of a Magistrate,[c] or the District Superintendent of Police, upon credible information, and after such enquiry as he may think necessary, has reason to believe that any house, walled enclosure, room or place is used as a common gaming-house,

Power to enter and authorize police to enter and search.

he may either himself enter, or by his warrant authorize any officer of police, not below such rank as the Lieutenant-Governor or Chief Commissioner shall appoint in this behalf, to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, walled enclosure, room or place,

and may either himself take into custody, or authorize such officer to take into custody, all persons whom he or such officer finds therein, whether or not then actually gaming;

and may seize or authorize such officer to seize all instruments of gaming, and all moneys and securities for money, and articles of value, reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein;

and may search or authorize such officer to search all parts of the house, walled enclosure, room or place which he or such officer shall have so entered, when he or such officer has reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he or such officer so takes into custody;

and may seize or authorize such officer to seize and take possession of all instruments of gaming found upon such search.

6. When any cards, dice, gaming-tables, cloths, boards or other instru-

Finding cards,

(a) See Act XLV of 1860, s. 53. (For Act XLV of 1860, see the revised edition as modified up to the 1st August, 1890, published by the Legislative Department.)

(b) As to enhanced punishment for a second conviction of an offence under s. 3 or s. 4, see s. 15, *infra*, p. 30.

(c) *Read* District Magistrate and Magistrate of the first class, respectively—see Act X of 1882, s. 3.

&c., in suspected houses, to be evidence that such houses are common gaming-houses.

ments of gaming are found in any house, walled enclosure, room or place entered or searched under the provisions of the last preceding section, or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, walled enclosure, room or place is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Magistrate or police-officer or any of his assistants.

Penalty on persons arrested for giving false names and addresses.

7. If any person found in any common gaming-house entered by any Magistrate or officer of police, under the provisions of this Act, upon being arrested by any such officer or upon being brought before any Magistrate, on being required by such officer or Magistrate to give his name and address, shall refuse or neglect to give the same, or shall give any false name or address, he may upon conviction before the same or any other Magistrate be adjudged to pay any penalty not exceeding five hundred rupees, together with such costs as to such Magistrate shall appear reasonable; and on the non-payment of such penalty and costs, or in the first instance, if to such Magistrate it shall seem fit, may be imprisoned for any period not exceeding one month.

On conviction for keeping gaming-house, instruments of gaming to be destroyed.

8. On conviction of any person for keeping or using any such common gaming-house, or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming found therein to be destroyed, and may also order all or any of the securities for money and other articles seized, not being instruments of gaming, to be sold and converted into money, and the proceeds thereof with all moneys seized therein to be forfeited; or, in his discretion, may order any part thereof to be returned to the persons appearing to have been severally thereunto entitled.

Proof of playing for stakes unnecessary.

9. It shall not be necessary, in order to convict any person of keeping a common gaming-house, or of being concerned in the management of any common gaming-house, to prove that any person found playing at any game was playing for any money, wager or stake.

Magistrate may require any person apprehended to be sworn and give evidence.

10. It shall be lawful for the Magistrate before whom any persons shall be brought, who have been found in any house, walled enclosure, room or place entered under the provisions of this Act, to require any such persons to be examined on oath or solemn affirmation, and give evidence touching any unlawful gaming in such house, walled enclosure, room or place, or touching any act done for the purpose of preventing, obstructing or delaying the entry into such house, walled enclosure, room or place, or any part thereof, of any Magistrate or officer authorized as aforesaid.

No person so required to be examined as a witness shall be excused from being so examined when brought before such Magistrate as aforesaid, or from

being so examined at any subsequent time by or before the same or any other Magistrate, or by or before any Court on any proceeding or trial in any ways relating to such unlawful gaming or any such acts as aforesaid, or from answering any question put to him touching the matters aforesaid, on the ground that his evidence will tend to criminate himself.

Any such person so required to be examined as a witness, who refuses to make oath or take affirmation accordingly or to answer any such question as aforesaid, shall be subject to be dealt with in all respects as any person committing the offence described in section 178 or 179 (as the case may be) of the Indian Penal Code.[a]

XLV of 1860.

Witnesses indemnified.

11. Any person who shall have been concerned in gaming contrary to this Act, and who shall be examined as a witness before a Magistrate on the trial of any person for a breach of any of the provisions of this Act relating to gaming, and who, upon such examination, shall in the opinion of the Magistrate make true and faithful discovery, to the best of his knowledge, of all things as to which he shall be so examined, shall thereupon receive from the said Magistrate a certificate in writing to that effect, and shall be freed from all prosecutions under this Act for anything done before that time in respect of such gaming.

Act not to apply to certain games.

12. Nothing in the foregoing provisions of this Act contained shall be held to apply to any game of mere skill wherever played.

Arrest without warrant for gaming or setting birds or animals to fight in public place.

13. A police-officer may apprehend without warrant—

any person found playing for money or other valuable thing with cards, dice, counters or other instruments of gaming, used in playing any game not being a game of mere skill, in any public street, place or thoroughfare situated within the limits aforesaid, or

any person setting any birds or animals to fight in any public street, place or thoroughfare situated within the limits aforesaid, or

any person there present aiding and abetting such public fighting of birds and animals.

Such person when apprehended shall be brought without delay before a Magistrate, and shall be liable to a fine not exceeding fifty rupees, or to imprisonment, either simple or rigorous, for any term not exceeding one calendar month;

Destruction of instruments of gaming

and such police-officer may seize all instruments of gaming found in such public place or on the person of those whom he shall so arrest, and the Magis-

(a) For Act XLV of 1860, see the revised edition, as modified up to the 1st August, 1890, published by the Legislative Department.

found in public place.

trate may on conviction of the offender order such instruments to be forthwith destroyed.

Offences by whom triable.

14. Offences punishable under this Act shall be triable by any Magistrate having jurisdiction in the place where the offence is committed.

But such Magistrate shall be restrained within the limits of his jurisdiction under the Code of Criminal Procedure, 1882,(a) as to the amount of fine or imprisonment he may inflict. X of 1882.

Penalty for subsequent offence.

15. Whoever, having been convicted of an offence punishable under section 3 or section 4 of this Act, shall again be guilty of any offence punishable under either of such sections, shall be subject for every such subsequent offence to double the amount of punishment to which he would have been liable for the first commission of an offence of the same description:

Provided that he shall not be liable in any case to a fine exceeding six hundred rupees, or to imprisonment for a term exceeding one year.

Portion of fine may be paid to informer.

16. The Magistrate trying the case may direct any portion of any fine which shall be levied under sections 3 and 4 of this Act, or any part of the moneys or proceeds of articles seized and ordered to be forfeited under this Act, to be paid to an informer.

Recovery and application of fines.

17. All fines imposed under this Act may be recovered in the manner prescribed by sections 386, 387 and 389 of the Code of Criminal Procedure, 1882,(b) X of 1882. and such fines shall (subject to the provisions contained in the last preceding section) be applied(c) as the Lieutenant-Governor or Chief Commissioner, as the case may be, shall from time to time direct.

18. [*Offences under this Act to be "offences" within meaning of Penal Code.*] *Repealed by Act XVI of 1874.*

ACT No. XIV OF 1867.(d)

Received the assent of the Governor General on the 1st March, 1867.

An Act to provide for the assessment of the Pándhari tax in certain parts of the Central Provinces.

Preamble.

WHEREAS there has for many years existed, and now exists, in certain dis-

(a) The reference to Act XXV of 1861 has been altered in accordance with Act X of 1882, s. 3. See now ss. 32 and 446 of the latter Act. (For Act X of 1882, see the revised edition, as modified up to the 15th December, 1888, published by the Legislative Department.)

(b) The reference to Act XXV of 1861, s. 61, has been altered in accordance with Act X of 1872, sch. V, and Act X of 1882, s. 3. (For Act X of 1882, see the revised edition, as modified up to the 15th December, 1888, published by the Legislative Department.)

(c) As to crediting such fines to Municipal Funds in the Central Provinces, see Act XVIII of 1889, s. 36. cl (*b*), *infra*, p. 298.

(d) This Act was declared by Act XIV of 1874, s. 10 (printed, General Acts, 1867-76, Ed. 1887, p. 482), to be in force in the tract of land ceded to the British Government in the year 1863, and lying between the railway-station at Sutna and the eastern boundary of the Jubbulpore District.

tricts of the Central Provinces, a tax called the pándharí tax; assessable on all persons not engaged in agriculture;

and whereas it is expedient to make rules for regulating the assessment of such tax;

It is enacted as follows :—

Persons on whom pándharí tax assessable.

1. The pándharí tax is hereby declared to be assessable on all persons(a) dwelling or personally working for gain or carrying on business within the districts of Nágpur, Warda, Chánda, Bhandára, Chindwárá, Raípur, Bílaspur and Sambhalpur, any part of whose income is derived from any source other than agriculture.

Limitation of assessment.

Provided that no person whose estimated income is less than seventy-five rupees a year shall be assessed to the said tax, that no person shall be assessed to the said tax at a rate exceeding two per centum on his estimated income, and that no person shall be assessable to the said tax at a sum exceeding five hundred rupees per annum.

Power to make rules as to assessment and collection of tax.

2. The Chief Commissioner of the Central Provinces may from time to time, with the previous sanction of the Governor General of India in Council, make and publish, in such manner as may seem fit, rules not inconsistent with the provisions of this Act or of any other law for the time benig in force, to provide (amongst other things) for the matters hereinafter mentioned.

Matters for which rules may provide.

3. The rules made under the last preceding section may provide—

(*1*) for regulating the manner and rates and classes of assessments:

(*2*) for regulating the time and manner of collecting the amount assessed; and for allowing, to the persons employed in the collection, fees not exceeding three per centum on the amount assessed upon the tax-payers:

(*3*) for the imposition of penalties on persons convicted of the breach of any rule or regulation made under the last preceding section:

Provided that no penalty shall exceed a fine of fifty rupees, or imprisonment for a term not exceeding eight days:

(*4*) for exempting from the operation of this Act special classes of persons in receipt of fixed salaries or pensions, in respect of such salaries or pensions:

(*5*) for determining the person or persons by whom and the manner in which, in the case of any person to whom this Act shall apply,

(a) Where a person is in respect of any period liable to the tax under Act II of 1886 he is not in respect of that period to be assessed to the pándhári-tax levied under Act XIV of 1867—see Act II of 1886, s. 48, in General Acts, 1885-88, Ed. 1889, p. 45.

his or her estimated income, within the meaning of section 1 of this Act, shall be ascertained.

Recovery of arrears.

4. Arrears of the said tax shall be recoverable by distress and sale of any moveable property belonging to the defaulter; or, when he or she shall not have any moveable property of which a distraint can be made, or when, after his or her moveable property shall have been distrained and sold, the arrear due together with all expenses of the distress and sale is not liquidated by the proceeds of such sale, then under such rules and procedure as may, for the time being, be in force in the Central Provinces for the realization out of immoveable property of land-revenue.

Trial of breaches of rules

5 Breaches of rules made under section 2 of this Act shall be triable by any Magistrate.

Extension of Act.

6. The provisions of this Act may be extended by order of the Governor General of India in Council to any district or districts(a) of the Central Provinces other than those named in section 1 of this Act.

7. [*Indemnity clause.*] *Repealed by Act XVI of 1874.*

ACT No. XXXII OF 1867.

Received the assent of the Governor General on the 18th July, 1867.

An Act to enable the Governor General of India in Council to delegate to a Chief Commissioner any power conferred on a Local Government by an Act of the Governor General of India in Council.

Preamble.

WHEREAS it is expedient to enable the Governor General of India in Council to delegate to any of the Chief Commissioners of Oudh, the Central Provinces and British Burma(b) any power conferred on the Governor General in Council as the Local Government of the territories under the administration of such Commissioner by any Act of the said Governor General in Council; It is hereby enacted as follows :—

Governor General in Council empowered to delegate to Chief Com-

1. It shall be lawful for the Governor General of India in Council, by a notification published in the Gazette of India, to delegate to the Chief Commissioner of Oudh, the Central Provinces or British Burma,(b) as the case may be, all or any of the powers(c) heretofore or hereafter conferred by any Act of the

(a) For list of such districts, see Appendix I.
(b) The Chief Commissioner is now Chief Commissioner of Burma—see Proclamation dated 25th September, 1886, in Gazette of India, 1886, Pt. I, p. 539.
(c) For list of powers delegated to the Chief Commissioner of the Central Provinces, see Appendix I.

Governor General of India in Council on the Governor General of India in Council as the Local Government of the territories under the administration of such Chief Commissioner; and all acts done by the Chief Commissioner, to whom any such power shall have been delegated as aforesaid, in exercise of the same power, shall be as valid as if they had been done by the said Governor General in Council. missioners certain powers.

2. This Act may be called the Chief Commissioners' Powers Act. Short title.

THE PRISONS ACT, 1870.

ARRANGEMENT OF SECTIONS.

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18. Residence of gaoler.
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20. to give notice of death of prisoners;
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[*Repealed.*]

ACT No. XXVI OF 1870.(a)

Received the assent of the Governor General on the 3rd October, 1870.

An Act to amend the law relating to prisons.

Preamble.

WHEREAS it is expedient to amend the law relating to prisons in the North-Western Provinces, the Punjab, Oudh, the Central Provinces, Coorg(b) and British Burma(c), and to provide rules for the regulation of such prisons; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called the Prisons Act, 1870.

Local extent.

It extends only to the territories respectively under the government of the Lieutenant-Governors of the North-Western Provinces and the Punjab, and under the administration of the Chief Commissioners of Oudh, the Central Provinces, Coorg(b) and British Burma.(c)

[*Commencement.*] *Repealed by Act XVI of 1874.*

2. [*Repeal of enactments.*] *Repealed by Act XII of 1873.*

Interpretation-clause: "prison;"

3. In this Act—

"prison" means any gaol or penitentiary, and includes the airing-grounds or other grounds or buildings occupied for the use of the prison;

"criminal prisoner."

"criminal prisoner" means any prisoner charged with or convicted of a crime; and

"civil prisoner."

"civil prisoner" means any prisoner confined in a civil jail, or on the civil side of a jail.

(a) Act XXVI of 1870 is based on 38 & 29 Vict., c. 126.
(b) "Coorg" was inserted by Act II of 1871.
(c) These references to British Burma should now be read as referring to Lower Burma—see Act XX of 1886, s. 4 (*b*), in Burma Code, Ed. 1889, p. 364.

CHAPTER II.

MAINTENANCE AND OFFICERS OF PRISONS.

Local Government to provide prison-accommodation.

4. The Local Government shall provide for the prisoners in the territories under such Government accommodation in a prison or prisons constructed and regulated in such manner as to comply with the requisitions of this Act[a] in respect of the separation of prisoners.

Temporary shelter of prisoners.

5. Whenever it appears to the Local Government that the number of prisoners in any prison is greater than can conveniently or safely be kept therein,

or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners,

provision shall be made, by such officer and in such manner as the Local Government from time to time directs, for the temporary shelter and safe custody of so many of the prisoners as cannot be conveniently or safely kept in the prison.

Prisoners for whom such temporary shelter is provided shall be subject to the same rules as if they were within the prison.

Inspector General of Prisons.

6.[b] An Inspector General of Prisons shall be appointed in the North-Western Provinces, the Punjab and Oudh by the Local Government, and in the Central Provinces, Coorg[c] and British Burma[d] by the Governor General in Council.

In each Inspector General so appointed shall be vested (subject to the orders of the Local Government) the general control and superintendence of all prisons situate in the territories under such Government.

Officers of prison.

7. For every prison there shall be a superintendent, a medical officer (who may also be the superintendent), a gaoler and such subordinate officers as the Local Government thinks necessary.

Subject to the orders of the Governor General in Council, the Local Government may direct that for any specified prison there shall also be a deputy medical officer and a deputy gaoler.

Appointment of officers.

8. The Local Government shall appoint the superintendent and the medical officer and the deputy medical officer.

(a) See s. 30, *infra*, p. 42.

(b) This first paragraph of s. 6 was substituted for the original paragraph by Act XIV of 1878, s. 2, printed, North-Western Provinces Code, Ed. 1886, p. 279.

(c) "Coorg" was inserted in s. 6 (as it stood before Act XIV of 1878 was passed) by Act II of 1871.

(d) This reference to British Burma should now be read as referring to Lower Burma—see Act XX of 1886, s. 4, in Burma Code, Ed. 1889, p. 364.

The superintendent (subject to the approval of the Inspector General of Prisons) shall appoint the gaoler and deputy gaoler.

The superintendent shall also appoint the subordinate officers.

Salaries, suspension and dismissal of officers.

9. Every officer appointed under this Act shall receive such salary as (subject to the approval of the Governor General of India in Council) the Local Government directs; and may be suspended or dismissed by the authority appointing him:

Provided that no gaoler or deputy gaoler shall be dismissed without the consent of the Inspector General of Prisons.

Any subordinate officer dismissed under this section may appeal to the Inspector General, whose orders on such appeal shall be final.

CHAPTER III.

Duties of Officers.

Generally.

Officers to obey superintendent.

10. All officers of a prison shall obey the directions of the superintendent: all subordinate officers shall perform such duties as may be directed by the gaoler with the sanction of the superintendent; and the duties of each subordinate officer shall be inserted in a book to be kept by him.

Officers not to sell or let to prisoners.

11. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner.

Officers not to contract with prisoners; nor to benefit by sales.

12. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison: nor, except so far as is expressly allowed by rules made under section 54, shall he derive any benefit, directly or indirectly, from the sale of any article on behalf of the prison or belonging to a prisoner.

Superintendent.

Duties of superintendent.

13. Subject to the orders of the Inspector General of Prisons, the superintendent shall—

manage the prison in all matters relating to discipline, labour, expenditure, punishment and control:

correspond on all matters connected with the prison with and through the Inspector General:

submit to the Inspector General all bills of prison-expenditure with proper vouchers for audit:

report to the Inspector General from time to time, as they occur, all escapes and recaptures, and all outbreaks of epidemic disease:

send to the Inspector General returns of all prisoners sentenced to transportation:

periodically inspect all property of the Government in his charge, and report thereon to the Inspector General;

and, generally, obey all rules made under section 54 for the guidance of the superintendent.

The superintendent shall also obey all orders respecting the prison given by the Magistrate of the District (a) or the Deputy Commissioner, as the case may be, and shall report to the Inspector General all such orders and the action taken thereon.

Medical Officer.

Power to make rules as to medical officer's duties.

14. The Local Government shall make rules as to each of the following matters:—

how often the medical officer shall visit the prison and see each prisoner:

the records to be made respecting sick prisoners:

periodical inspection of every part of the prison:

reports on its cleanliness, drainage, warmth and ventilation:

reports on the provisions, water, clothing and bedding supplied to the prisoners.

The medical officer shall obey such rules.

Medical officer to obey rules; to report special cases;

15. Whenever the medical officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the medical officer shall report the case in writing to the superintendent, together with such directions as the medical officer thinks proper.

to make entries as to death of prisoners.

16. On the death of any prisoner, the medical officer shall forthwith record in writing the following particulars, namely:—

when the deceased was taken ill,

when the medical officer was first informed of the illness,

the nature of the disease,

when the prisoner died,

and (in cases where a *post mortem* examination is made) an account of the appearances after death,

together with any special remarks that appear to the medical officer to be required.

(a) *Read* District Magistrate—see Act X of 1882, s. 3.

Deputy medical officer.

17. Where a deputy medical officer is appointed to a prison, he shall be competent to perform any duty required by this Act, or by any rule made hereunder, to be performed by the medical officer.

Subordinate medical officer.

When there is no deputy medical officer, or when his services are not available by reason of sickness or other cause, the Local Government may, by general or special order, appoint a subordinate medical officer to act as a substitute for the medical officer, and the subordinate medical officer so appointed shall perform all the duties of the medical officer.

Gaoler.

Residence of gaoler.

18. The gaoler shall reside in the prison, unless the superintendent permits him in writing to reside elsewhere. The gaoler shall not, without the Inspector General's sanction, be concerned in any other employment.

Gaoler to deliver list of prisoners in punishment-cells;

19. The gaoler shall deliver to the medical officer daily a list of such prisoners as are confined in punishment-cells.

to give notice of death of prisoners;

20. Upon the death of a prisoner, the gaoler shall give immediate notice thereof to the superintendent.

to keep enumerated books and accounts;

21. The gaoler shall keep, or cause to be kept, the following records:—

(1) a register of warrants;

(2) a book showing when each prisoner is to be released;

(3) a punishment-book for the entry of the punishments inflicted for prison-offences;

(4) a visitors' book for the entry of any observations made by visitors to the prison;

(5) a record of the money and other articles taken from prisoners;

and all such other records as may be prescribed by rules made under section 54.

responsible for safe custody of documents;

22. The gaoler shall be responsible for the safe custody of the records to be kept by him under section 21, and also for the commitments and all other documents confided to his care.

not to be absent without leave.

23. The gaoler shall not be absent from the prison for a night without permission in writing from the superintendent; but, if absent without leave for a night from unavoidable necessity, he shall report the fact and the cause of it to the superintendent.

Deputy gaoler.

24. Where a deputy gaoler is appointed to a prison, he shall be competent to perform any duty required by this Act or by any rule made under section 54 to be performed by the gaoler.

Where there is no deputy gaoler, or where his services are not available by

reason of sickness or other cause, the superintendent shall, when the gaoler is absent from the prison or temporarily incapacitated, appoint an officer of the prison to act as his substitute during such absence or incapacity, and the substitute so appointed shall have all the powers and perform all the duties of the gaoler.

Subordinate Officers.

25. The officer acting as gate-porter, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search any person suspected of bringing in spirits or other prohibited articles into the prison, or of carrying out any property belonging to the prison, and, if any such articles or property be found, shall give immediate notice thereof to the gaoler. Powers of gate-porter.

26. Subordinate officers shall not be absent from the prison without leave from the superintendent, or from the gaoler, and before absenting themselves they shall leave their keys in the gaoler's office. Subordinate officers not to be absent without leave.

CHAPTER IV.

Admission, Removal and Discharge of Prisoners.

27. When a prisoner is first admitted, and whenever he afterwards enters the prison, he shall be searched, and all weapons and prohibited articles shall be taken from him. Prisoners to be searched on entrance.

Every criminal prisoner shall also, as soon as possible after admission, be examined by the medical officer, who shall enter in a book, to be kept by the gaoler, a record of the state of the prisoner's health, and any observations which the medical officer thinks fit to add. Medical examination of criminal prisoners.

28. All money or other effects in respect whereof no order of a competent Court has been made, and which may be brought into the prison by any criminal prisoner, or sent to the prison for his use, shall be placed in the custody of the gaoler. Effects of criminal prisoners retained.

29. All prisoners, previously to being removed to any other prison, shall be examined by the medical officer. Medical examination before removal and discharge of prisoners.

No prisoner shall be removed to any other prison unless the medical officer certifies that the prisoner is free from any illness rendering him unfit for removal.

No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the medical officer, such discharge is safe.

CHAPTER V.

Discipline of Prisoners.

Requisitions of Act as to separation of prisoners.

30. The requisitions of this Act with respect to the separation of prisoners are as follows:—

(1) In a prison containing female prisoners as well as males, the women shall be imprisoned in separate buildings or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with, the men.

(2) In a prison where children under twelve years of age are confined, means shall be provided for separating them altogether from the other prisoners.

(3) Criminal prisoners before trial shall be kept apart from convicted prisoners.

(4) Civil prisoners shall be kept apart from criminal prisoners.

Rules as to separate confinement.

31. The Local Government shall have power to make rules—

(1) as to what cells only shall be used for the separate confinement of prisoners:

(2) as to the time during which prisoners not guilty of offences against prison-rules may be confined separately.

Cells to be furnished with means of communication.

32. No cell shall be used for separate confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison.

Prisoners under sentence of death.

33. Every prisoner under warrant or order for execution shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the gaoler, and all articles shall be taken from him which the gaoler deems it dangerous or inexpedient to leave in his possession.

Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of an officer or guard.

CHAPTER VI.

Food, Clothing and Bedding of Prisoners.

Civil prisoner may maintain himself.

34. A civil prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours, food, clothing, bedding or other necessaries, but subject to examination and to such rules as may be approved by the Inspector General.

Civil prisoner

35. No part of any food, clothing, bedding or other necessaries belonging

to any civil prisoner shall be sold to any other prisoner; and any civil prisoner transgressing this regulation shall lose the privilege of purchasing food or receiving it from private sources, for such time as the superintendent thinks proper. not to sell provisions.

36. Every civil prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the superintendent with such clothing and bedding as may be necessary. Allowance of clothing and bedding.

When any such prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall be liable to pay to the superintendent on demand the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner shall be released. Judgment-creditor to defray such allowance.

CHAPTER VII.

Employment of Prisoners.

37. Civil prisoners may, with the superintendent's permission, work and follow their respective trades and professions. Work and earnings of civil prisoners.

Civil prisoners finding their own implements and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements, or are maintained at the expense of the prison, shall be subject to a deduction, to be determined by the superintendent, for the use of implements and the cost of maintenance.

38. The medical officer shall, from time to time, examine the labouring prisoners while they are employed, and shall enter in his journal the name of any prisoner whose health he thinks likely to be injured by a continuance at hard labour, and thereupon such prisoner shall not again be employed at such labour until the medical officer certifies that he is fit for such employment. Examination by medical officer of labouring prisoners.

But if the medical officer certifies that such prisoner may without detriment to his health be employed on some lighter kind of labour, it shall be lawful for the gaoler so to employ him.

39. Provision shall be made by the superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment. Employment of criminal prisoners sentenced to simple imprisonment.

The superintendent shall make rules as to the amount and nature of such employment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work, excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such prisoners.

CHAPTER VIII.

Health of Prisoners.

Names of sick prisoners to be reported to gaoler.

40. The names of prisoners desiring to see the medical officer or appearing out of health in mind or body shall be reported by the officer attending them to the gaoler.

Gaoler to report them to medical officer.

The gaoler shall, without delay, call the attention of the medical officer to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention,

and shall carry into effect the medical officer's written directions respecting alterations of the discipline or treatment of any such prisoner.

Entry of directions by medical officer.

41. All directions given by the medical officer in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the medical officer himself or under his superintendence, shall be entered day by day in his journal, which shall have a separate column wherein entries shall be made by the gaoler, stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the gaoler thinks fit to make, and the date of the entry.

Infirmaries.

42. In every prison an infirmary or proper place for the reception of sick prisoners shall be provided.

CHAPTER IX.

Visits to, and Correspondence of, Prisoners.

Visits to prisoners.

43. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom prisoners before trial may desire to communicate.

Correspondence of prisoners.

The Local Government shall also impose such restrictions upon the communication and correspondence of prisoners with their friends as it thinks necessary for the maintenance of good order and discipline.

Powers of gaoler as to visitors.

44. The gaoler may demand the name and address of any visitor to a prisoner; and, when the gaoler has any ground for suspicion, may search visitors, or cause them to be searched, but the search shall not be in the presence of any prisoner or of another visitor.

In case of any such visitor refusing to be searched, the gaoler may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in his journal.

CHAPTER X.

Offences in Relation to Prisons.

45. Whoever, contrary to the regulations of the prison, brings, throws or attempts by any means whatever to introduce into any prison, or any place provided under section 5 for the temporary shelter and safe custody of prisoners, any spirituous or fermented liquor, or tobacco, or intoxicating or poisonous drug, — Carrying liquor, tobacco or drugs into prison:

and every officer of a prison who knowingly suffers any such liquor, tobacco or drug to be sold or used in such prison or place contrary to such regulations, — suffering liquor, tobacco or drugs to be sold or used in prison:

and whoever, contrary to such regulations, conveys, or attempts to convey, any letter or other article not allowed by such regulations into or out of any such prison or place, — carrying letters into and out of prison:

XLV of 1860. and whoever abets within the meaning of the Indian Penal Code (a) any offence made punishable by this section, — abetment of such offences.

shall, on conviction before a Magistrate, be liable to rigorous imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

46. The superintendent shall cause to be affixed, in a conspicuous place outside the prison or the place provided as aforesaid, a notice setting forth the penalties incurred by persons committing any offence under section 45. — Notice of penalties to be placed outside prison.

CHAPTER XI.

Prison-offences.

47. The following acts are declared to be offences against prison-discipline:— — List of prison-offences.

(1) wilful disobedience to the regulations of the prison by any prisoner;

(2) assaults (b) or use of criminal force by any prisoner;

(3) insulting or threatening language by any prisoner to any officer or prisoner;

(4) indecent or disorderly behaviour by any prisoner;

(5) wilfully disabling himself from labour;

(a) See Act XLV of 1860, Chap. V. (For Act XLV of 1860, see the revised edition, as modified up to the 1st August, 1890, published by the Legislative Department.)

(b) *Sec. Read* assault.

(6) contumaciously refusing to work;
(7) filing or cutting irons or bars;
(8) idleness or negligence at work by any convicted criminal prisoner;
(9) wilful mismanagement of work by any convicted criminal prisoner;
(10) wilful damage to prison-property;
(11) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

Superintendent's power to punish prison-offend-

48. The superintendent may examine any person touching such offences, and determine thereupon, and punish such offences—

(1) by imprisoning the offender in solitary confinement for any time not exceeding seven days;
(2) by ordering the offender for any time not exceeding three days to close confinement, to be there kept upon a diet reduced to such extent as the Local Government shall prescribe;
(3) by corporal punishment[a] not exceeding thirty stripes of a ratan; or
(4) where the offender is not sentenced to rigorous imprisonment, by hard labour for any time not exceeding seven days.

The gaoler shall enter in a separate book, called the punishment-book, a statement of the nature of any offence that has been punished under this section, with the addition of the name of the offender, the date of the offence, and the amount of punishment inflicted. Such statement shall be signed by the superintendent.

Punishment of prisoners by Magistrate.

49. If any prisoner is guilty of repeated offences against prison-discipline, or is guilty of any offence against prison-discipline which the superintendent thinks is not adequately punishable under section 48, the superintendent shall report the same to the Magistrate of the district[b] or any Magistrate empowered to receive complaints without reference by the Magistrate of the district.[b]

Such Magistrate shall have power to enquire upon oath and to determine concerning any matter so reported to him, and to sentence the offender to be punished—

by confinement in a punishment-cell or in irons[a] for any term not exceeding six months,

or by corporal punishment[a] not exceeding thirty stripes of a ratan,

or by rigorous imprisonment for a term not exceeding six months, such term to be in addition to the term for which he is undergoing imprisonment.

Nothing in this or the last preceding section shall authorize the infliction

(a) As to females and civil prisoners, see exception in s. 49, last para.
(b) *Read* District Magistrate—see Act X of 1882, s. 3.

of corporal punishment, or confinement in irons, on any female prisoner or any civil prisoner.

Corporal punishment.

50. All corporal punishment within the prison shall be inflicted in the presence of the superintendent, subject to the law[a] for the time being in force relating to the infliction of corporal punishment and the precautions to be taken in reference thereto.

Penalty on officers ill-treating prisoners or violating rules.

51. Every gaoler and subordinate officer of a prison ill-treating any prisoner, or wilfully violating or neglecting any rule contained in this Act or made under section 54, shall be liable, on conviction before the superintendent, to fine not exceeding one hundred rupees, or, on conviction before a Magistrate not being the superintendent, to fine not exceeding two hundred rupees, or rigorous imprisonment for a term not exceeding one month, or both.

Any fine imposed by the superintendent under this section may be recovered, either by deductions from the convicted officer's salary and allowances, or under the law[b] for the time being in force for the recovery of fines.

No person shall, under this section, be punished twice for the same offence.

CHAPTER XII.

MISCELLANEOUS.

Confinement in irons of prisoners sentenced to rigorous imprisonment.

52. Whenever the superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, the superintendent may so confine them.

Confinement in irons by gaoler of his own authority.

53. Except in cases of urgent necessity, no prisoner shall be put in irons or under mechanical restraint by the gaoler of his own authority, and notice thereof shall be forthwith given to the superintendent.

Except in case of urgent necessity, no prisoner shall be kept in irons or under mechanical restraint for more than twenty-four hours, without an order in writing from the superintendent specifying the cause thereof, and the time during which the prisoner is to be kept in irons or under mechanical restraint. Such order shall be kept by the gaoler as his warrant.

Power to make supplementary prison-rules.

54. The Local Government may, from time to time, make rules consistent with this Act—

(1) for the government of prisons and for the guidance of all officers appointed hereunder:

(a) See Act X of 1882, ss. 390 to 395 (for Act X of 1882, see the revised edition, as modified up to the 15th December, 1888, published by the Legislative Department).
(b) See Act I of 1868, s. 5, in General Acts, 1867-76, Ed. 1887, p. 19.

(2) as to sales of articles on behalf of prisons or belonging to prisoners, and as to the commission receivable thereon:

(3) as to the food and clothing of criminal prisoners:

(4) for the employment and control of convicts within or without prisons, and for the guidance of the guards in charge of such convicts:

(5) for remission of sentences:

(6) for rewards for good conduct: and

(7) for the appointment and guidance of visitors of prisons.

Copies of such rules, so far as they affect the government of prisons, shall be exhibited in some place to which all persons employed within a prison have access.

Present rules.

55. All rules now in force relating to any of the matters mentioned in sections 14, 31, 39 and 54 shall, so far as such rules are consistent with this Act, be deemed to have been made under those sections respectively.

Exercise of powers of superintendent.

56. All or any of the powers and duties conferred and imposed by this Act on a superintendent may be exercised and performed by such other officer as the Local Government from time to time appoints in this behalf.

SCHEDULE.

[*Enactments repealed.*] *Repealed by Act XII of 1873.*

THE NORTHERN INDIA CANAL AND DRAINAGE ACT, 1873.

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SCHEDULE.—[*Repealed.*]

ACT No. VIII of 1873.

Received the assent of the Governor General on the 11th February, 1873.

An Act to regulate Irrigation, Navigation and Drainage in Northern India.

Preamble.

WHEREAS, throughout the territories to which this Act extends, the Government is entitled to use and control for public purposes the water of all rivers and streams flowing in natural channels, and of all lakes and other natural collections of still water; and whereas it is expedient to amend the law relating to irrigation, navigation and drainage in the said territories; It is hereby enacted as follows:—

PART I.

Preliminary.

Short title.

1. This Act may be called the Northern India Canal and Drainage Act, 1873:

Local extent.

It extends to the territories for the time being respectively under the Government of the Lieutenant-Governors of the North-Western Provinces and the Punjab, and under the administration of the Chief Commissioners of Oudh and the Central Provinces; and applies to all lands, whether permanently-settled, temporarily settled, or free from revenue.

[*Commencement.*] *Repealed by Act XVI of 1874.*

2.—[*Repeal of Acts.*] *Repealed by Act XII of 1873.*

3. In this Act, unless there be something repugnant in the subject or context,— Interpretation-clause.

(1) "canal"[a] includes— "Canal."

(*a*) all canals, channels and reservoirs constructed, maintained or controlled by Government for the supply or storage of water;

(*b*) all works, embankments, structures, supply and escape-channels connected with such canals, channels or reservoirs;

(*c*) all water-courses as defined in the second clause of this section;

(*d*) any part of a river, stream, lake or natural collection of water, or natural drainage-channel, to which the Local Government has applied the provisions of Part II of this Act;

(2) "water-course" means any channel which is supplied with water from a canal, but which is not maintained at the cost of Government, and all subsidiary works belonging to any such channel; "Water course."

(3) "drainage-work" includes escape-channels from a canal, dams, weirs, embankments, sluices, groins and other works for the protection of lands from flood or from erosion, formed or maintained by the Government under the provisions of Part VII of this Act, but does not include works for the removal of sewage from towns; "Drainage-work."

(4) "vessel" includes boats, rafts, timber and other floating bodies; "Vessel."

(5) "Commissioner" means a Commissioner of a division, and includes any officer appointed under this Act[b] to exercise all or any of the powers of a Commissioner; "Commissioner."

(6) "Collector" means the head revenue-officer of a district, and includes a Deputy Commissioner or other officer appointed under this Act[b] to exercise all or any of the powers of a Collector; "Collector."

(7) "Canal-officer" means an officer appointed under this Act[b] to exercise control or jurisdiction over a canal or any part thereof; "Canal-officer."

"Superintending Canal-officer" means an officer exercising general control over a canal or portion of a canal; "Superintending Canal-officer."

"Divisional Canal-officer" means an officer exercising control over a division of a canal; "Divisional Canal-officer."

"sub-divisional canal-officer" means an officer exercising control over a sub-division of a canal; "Sub-divisional Canal-officer."

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[a] For extension of meaning of "canal," with respect to offences and penalties, see s. 74, *infra*, p. 75.

[b] See s. 4, *infra*, p. 54.

"District."

(8) "district" means a district as fixed for revenue purposes.

Power to appoint officers.

4. The Local Government may from time to time declare, by notification in the official Gazette, the officers by whom, and the local limits within which, all or any of the powers or duties hereinafter conferred or imposed shall be exercised or performed.

All officers mentioned in section 3, clause (7), shall be respectively subject to the orders of such officers as the Local Government from time to time directs.

PART II.

Of the Application of Water for Public Purposes.

Notification to issue when water-supply is to be applied for public purposes.

5. Whenever it appears expedient to the Local Government that the water of any river or stream flowing in a natural channel, or of any lake or other natural collection of still water, should be applied or used by the Government for the purpose of any existing or projected canal or drainage-work,

the Local Government may, by notification in the official Gazette, declare that the said water will be so applied or used after a day to be named in the said notification, not being earlier than three months from the date thereof.

Powers of Canal-officer.

6. At any time after the day so named, any Canal-officer, acting under the orders of the Local Government in this behalf, may enter on any land and remove any obstructions, and may close any channels, and do any other thing necessary for such application or use of the said water.

Notice as to claims for compensation.

7. As soon as is practicable after the issue of such notification, the Collector shall cause public notice to be given at convenient places, stating that the Government intends to apply or use the said water as aforesaid, and that claims for compensation in respect of the matters mentioned in section 8 may be made before him.

Damage for which compensation shall not be awarded.

8. No compensation shall be awarded for any damage caused by—

(*a*) stoppage or diminution of percolation or floods;

(*b*) deterioration of climate or soil;

(*c*) stoppage of navigation, or of the means of drifting timber or watering cattle;

(*d*) displacement of labour.

Matters in respect of which compensation may be awarded.

But compensation may be awarded in respect of any of the following matters:

(*e*) stoppage or diminution of supply of water through any natural channel to any defined artificial channel, whether above or under ground, in use at the date of the said notification:

(*f*) stoppage or diminution of supply of water to any work erected for purposes of profit on any channel, whether natural or artificial, in use at the date of the said notification:

(*g*) stoppage or diminution of supply of water through any natural channel which has been used for purposes of irrigation within the five years next before the date of the said notification:

(*h*) damage done in respect of any right to a water-course or the use of any water to which any person is entitled under the Indian Limitation Act, 1877, Part IV:(a)

XV of 1877.

(*i*) Any other substantial damage, not falling under any of the above clauses (*a*), (*b*), (*c*) or (*d*), and caused by the exercise of the powers conferred by this Act, which is capable of being ascertained and estimated at the time of awarding such compensation.

In determining the amount of such compensation regard shall be had to the diminution in the market-value, at the time of awarding compensation, of the property in respect of which compensation is claimed; and, where such market-value is not ascertainable, the amount shall be reckoned at twelve times the amount of the diminution of the annual net profits of such property, caused by the exercise of the powers conferred by this Act.

No right to any such supply of water as is referred to in clause (*e*), (*f*) or (*g*) of this section, in respect of a work or channel not in use at the date of the notification, shall be acquired as against the Government, except by grant or under the Indian Limitation Act, 1877, Part IV.(a)

XV of 1877.

And no right to any of the advantages referred to in clauses (*a*), (*b*) and (*c*) of this section shall be acquired, as against the Government, under the same Part.

Limitation of claims.

9. No claim for compensation for any such stoppage, diminution or damage shall be made after the expiration of one year from such stoppage, diminution or damage, unless the Collector is satisfied that the claimant had sufficient cause for not making the claim within such period.

Enquiry into claims and amount of compensation.

(b)**10.** The Collector shall proceed to enquire into any such claim, and to determine the amount of compensation, if any, which should be given to the claimant; and sections 9 to 12 (inclusive), 14 and 15, 18 to 23 (inclusive), 26 to 40 (inclusive), 51, 57, 58 and 59 of the Land-acquisition Act, 1870,(c) shall apply to such inquiries:

X of 1870.

(a) The references to Act IX of 1871 have been altered in accordance with Act XV of 1877, s. 2, printed, General Acts, 1877-81, Ed. 1884, p. 92.

(b) As to the application of s 10 in case of claims to compensation on account of drainage-works, see s. 61, *infra*, p. 71.

(c) Printed, General Acts, 1867-76, Ed. 1887, p. 177.

Provided that, instead of the last clause of the said section 26, the following shall be read: "The provisions of this section and of section 8 of the Northern India Canal and Drainage Act, 1873, shall be read to every assessor in a language which he understands, before he gives his opinion as to the amount of compensation to be awarded."

Abatement of rent on interruption of water-supply.

11. Every tenant holding under an unexpired lease, or having a right of occupancy, who is in occupation of any land at the time when any stoppage or diminution of water-supply, in respect of which compensation is allowed under section 8, takes place, may claim an abatement of the rent previously payable by him for the said land, on the ground that the interruption reduces the value of the holding.

Enhancement of rent on restoration of water-supply.

12. If a water-supply increasing the value of such holding is afterwards restored to the said land, the rent of the tenant may be enhanced, in respect of the increased value of such land due to the restored water-supply, to an amount not exceeding that at which it stood immediately before the abatement.

Such enhancement shall be on account only of the restored water-supply, and shall not affect the liability of the tenant to enhancement of rent on any other grounds.

Compensation when due.

13. All sums of money payable for compensation under this Part shall become due three months after the claim for such compensation is made in respect of the stoppage, diminution or damage complained of,

Interest.

and simple interest at the rate of six per cent. per annum shall be allowed on any such sum remaining unpaid after the said three months, except where the non-payment of such sum is caused by the wilful neglect or refusal of the claimant to receive the same.

PART III.

OF THE CONSTRUCTION AND MAINTENANCE OF WORKS.

Power to enter and survey, &c.

14.(a) Any Canal-officer, or other person acting under the general or special order of a Canal-officer,

may enter upon any lands adjacent to any canal, or through which any canal is proposed to be made, and undertake surveys or levels thereon;

and dig and bore into the sub-soil;

(a) As to the application of s. 14 in the case of proposed drainage-works, see s. 58, *infra*, p. 70.

and make and set up suitable land-marks, level-marks and water-gauges;

and do all other acts necessary for the proper prosecution of any enquiry relating to any existing or projected canal under the charge of the said Canal-officer;

and, where otherwise such inquiry cannot be completed, such officer or other person may cut down and clear away any part of any standing crop, fence or jungle; Power to clear land.

and may also enter upon any land, building or water-course on account of which any water-rate is chargeable, for the purpose of inspecting or regulating the use of the water supplied, or of measuring the lands irrigated thereby or chargeable with a water-rate, and of doing all things necessary for the proper regulation and management of such canal: Power to inspect and regulate water-supply.

Provided that, if such Canal-officer or person proposes to enter into any building or enclosed court or garden attached to a dwelling-house not supplied with water flowing from any canal, he shall previously give the occupier of such building, court or garden at least seven days' notice in writing of his intention to do so. Notice of intended entry into houses.

In every case of entry under this section, the Canal-officer shall at the time of such entry tender compensation for any damage which may be occasioned by any proceeding under this section; and, in case of dispute as to the sufficiency of the amount so tendered, he shall forthwith refer the same for decision by the Collector, and such decision shall be final. Compensation for damage caused by entry.

15. In case of any accident happening or being apprehended to a canal, any Divisional Canal-officer, or any person acting under his general or special orders in this behalf, may enter upon any lands adjacent to such canal, and may execute all works which may be necessary for the purpose of repairing or preventing such accident. Power to enter for repairs and to prevent accidents.

In every such case such Canal-officer or person shall tender compensation to the proprietors or occupiers of the said lands for all damage done to the same. If such tender is not accepted, the Canal-officer shall refer the matter to the Collector, who shall proceed to award compensation for the damage as though the Local Government had directed the occupation of the lands under section 43 of the Land-acquisition Act, 1870.(a) Compensation for damage to land.

X of 1870.

16. Any persons desiring to use the water of any canal may apply in writing to the Divisional or Sub-divisional Canal-officer of the division or sub-division of the canal from which the water-course is to be supplied, Application by persons desiring to use canal-water.

(a) Printed, General Acts, 1867-76, Ed. 1887, p. 179.

requesting such officer to construct or improve a water-course at the cost of the applicants.

Contents of application.

The application shall state the works to be undertaken, their approximate estimated cost, or the amount which the applicants are willing to pay for the same, or whether they engage to pay the actual cost as settled by the Divisional Canal-officer, and how the payment is to be made.

Liability of applicants for cost of works.

When the assent of the Superintending Canal-officer is given to such application, all the applicants shall, after the application has been duly attested before the Collector, be jointly and severally liable for the cost of such works to the extent mentioned therein.

Recovery of amount due.

Any amount becoming due under the terms of such application, and not paid to the Divisional Canal-officer, or the person authorized by him to receive the same, on or before the date on which it becomes due, shall, on the demand of such officer, be recoverable by the Collector as if it were an arrear of land-revenue.

Government to provide means of crossing canals.

17. There shall be provided, at the cost of Government, suitable means of crossing canals constructed or maintained at the cost of Government, at such places as the Local Government thinks necessary for the reasonable convenience of the inhabitants of the adjacent lands.

On receiving a statement in writing, signed by not less than five of the owners of such lands, to the effect that suitable crossings have not been provided on any canal, the Collector shall cause enquiry to be made into the circumstances of the case, and if he thinks that the statement is established, he shall report his opinion thereon for the consideration of the Local Government, and the Local Government shall cause such measures in reference thereto to be taken as it thinks proper.

Persons using water-course to construct works for passing water across roads, &c.

18. The Divisional Canal-officer may issue an order to the persons using any water-course to construct suitable bridges, culverts or other works for the passage of the water of such water-course across any public road, canal or drainage-channel in use before the said water-course was made, or to repair any such works.

If they fail, Canal-officer may construct,

Such order shall specify a reasonable period within which such construction or repairs shall be completed;

and if, after the receipt of such order, the persons to whom it is addressed do not, within the said period, construct or repair such works to the satisfaction of the said Canal-officer, he may, with the previous approval of the Superintending Canal-officer, himself construct or repair the same;

and recover cost.

and if the said persons do not, when so required, pay the cost of such construction or repairs as declared by the Divisional Canal-officer, the amount

shall, on the demand of the Divisional Canal-officer, be recoverable from them by the Collector as if it were an arrear of land-revenue.

Adjustment of claims between persons jointly using water-course.

19. If any person, jointly responsible with others for the construction or maintenance of a water-course, or jointly making use of a water-course with others, neglects or refuses to pay his share of the cost of such construction or maintenance, or to execute his share of any work necessary for such construction or maintenance, the Divisional or Sub-divisional Canal-officer, on receiving an application in writing from any person injured by such neglect or refusal, shall serve notice on all the parties concerned that, on the expiration of a fortnight from the service, he will investigate the case; and shall, on the expiration of that period, investigate the case accordingly, and make such order thereon as to him seems fit.

Such order shall be appealable to the Commissioner, whose order thereon shall be final.

Recovery of amount found due.

Any sum directed by such order to be paid within a specified period may if not paid within such period, and if the order remains in force, be recovered by the Collector, from the person directed to pay the same, as if it were an arrear of land-revenue.

Supply of water through intervening water-course.

20. Whenever application is made to a Divisional Canal-officer for a supply of water from a canal, and it appears to him expedient that such supply should be given and that it should be conveyed through some existing water-course, he shall give notice to the persons responsible for the maintenance of such water-course to show cause, on a day not less than fourteen days from the date of such notice, why the said supply should not be so conveyed; and, after making enquiry on such day, the Divisional Canal-officer shall determine whether and on what conditions the said supply shall be conveyed through such water-course.

When such officer determines that a supply of canal-water may be conveyed through any water-course as aforesaid, his decision shall, when confirmed or modified by the Superintending Canal-officer, be binding on the applicant and also on the persons responsible for the maintenance of the said water-course.

Such applicant shall not be entitled to use such water-course until he has paid the expense of any alteration of such water-course necessary in order to his being supplied through it, and also such share of the first cost of such water-course as the Divisional or Superintending Canal-officer may determine.

Such applicant shall also be liable for his share of the cost of maintenance of such water-course so long as he uses it.

Application for construction of new water-course.

21. Any person desiring the construction of a new water-course may apply in writing to the Divisional Canal-officer, stating—

(1) that he has endeavoured unsuccessfully to acquire, from the owners of the land through which he desires such water-course to pass, a right to occupy so much of the land as will be needed for such water-course;

(2) that he desires the said Canal-officer, in his behalf and at his cost, to do all things necessary for acquiring such right;

(3) that he is able to defray all costs involved in acquiring such right and constructing such water-course.

Procedure of Canal-officer thereupon.

22. If the Divisional Canal-officer considers—

(1) that the construction of such water-course is expedient, and

(2) that the statements in the application are true,

he shall call upon the applicant to make such deposit as the Divisional Canal-officer considers necessary to defray the cost of the preliminary proceedings, and the amount of any compensation which he considers likely to become due under section 28;

and, upon such deposit being made, he shall cause enquiry to be made into the most suitable alignment for the said water-course, and shall mark out the land which, in his opinion, it will be necessary to occupy for the construction thereof, and shall forthwith publish a notice in every village through which the water-course is proposed to be taken, that so much of such land as belongs to such village has been so marked out, and shall send a copy of such notice to the Collector of every district in which any part of such land is situate.

Application for transfer of existing water-course.

23. Any person desiring that an existing water-course should be transferred from its present owner to himself may apply in writing to the Divisional Canal-officer, stating—

(1) that he has endeavoured unsuccessfully to procure such transfer from the owner of such water-course;

(2) that he desires the said Canal-officer, in his behalf and at his cost, to do all things necessary for procuring such transfer;

(3) that he is able to defray the cost of such transfer.

Procedure thereupon.

If the Divisional Canal-officer considers—

(*a*) that the said transfer is necessary for the better management of the irrigation from such water-course, and

(*b*) that the statements in the application are true,

he shall call upon the applicant to make such deposit as the Divisional Canal-officer considers necessary to defray the cost of the preliminary proceed-

ings, and the amount of any compensation that may become due under the provisions of section 28 in respect of such transfer;

and, upon such deposit being made, he shall publish a notice of the application in every village, and shall send a copy of the notice to the Collector of every district, through which such water-course passes.

Objections to construction or transfer applied for.

24. Within thirty days from the publication of a notice under section 22 or section 23, as the case may be, any person interested in the land or water-course to which the notice refers may apply to the Collector by petition, stating his objection to the construction or transfer for which application has been made.

The Collector may either reject the petition or may proceed to enquire into the validity of the objection, giving previous notice to the Divisional Canal-officer of the place and time at which such enquiry will be held.

The Collector shall record in writing all orders passed by him under this section and the grounds thereof.

When applicant may be placed in occupation.

25. If no such objection is made, or (where such objection is made) if the Collector overrules it, he shall give notice to the Divisional Canal-officer to that effect, and shall proceed forthwith to place the said applicant in occupation of the land marked out or of the water-course to be transferred, as the case may be.

Procedure when objection is held valid.

26. If the Collector considers any objection made as aforesaid to be valid, he shall inform the Divisional Canal-officer accordingly; and, if such officer sees fit, he may, in the case of an application under section 21, alter the boundaries of the land so marked out, and may give fresh notice under section 22; and the procedure hereinbefore provided shall be applicable to such notice, and the Collector shall thereupon proceed as before provided.

Procedure when Canal-officer disagrees with Collector.

27. If the Canal-officer disagrees with the Collector, the matter shall be referred for decision to the Commissioner.

Such decision shall be final, and the Collector, if he is so directed by such decision, shall, subject to the provisions of section 28, cause the said applicant to be placed in occupation of the land so marked out or of the water-course to be transferred, as the case may be.

Expenses to be paid by applicant before receiving occupation.

28. No such applicant shall be placed in occupation of such land or water-course until he has paid to the person named by the Collector such amount as the Collector determines to be due as compensation for the land or water-course so occupied or transferred, and for any damage caused by the marking out or occupation of such land, together with all expenses incidental to such occupation or transfer.

Procedure in fixing compensation.

In determining the compensation to be made under this section, the Collector shall proceed under the provisions of the Land-acquisition Act, 1870; (a) but he may, if the person to be compensated so desire, award such compensation in the form of a rent-charge payable in respect of the land or water-course occupied or transferred. X of 1870.

Recovery of compensation and expenses.

If such compensation and expenses are not paid when demanded by the person entitled to receive the same, the amount may be recovered by the Collector as if it were an arrear of land-revenue, and shall, when recovered, be paid by him to the person entitled to receive the same.

Conditions binding on applicant placed in occupation.

29. When any such applicant is placed in occupation of land or of a water-course as aforesaid, the following rules and conditions shall be binding on him and his representative in interest:—

First.—All works necessary for the passage across such water-course of water-courses existing previous to its construction and of the drainage intercepted by it, and for affording proper communications across it for convenience of the neighbouring lands, shall be constructed by the applicant, and be maintained by him or his representative in interest to the satisfaction of the Divisional Canal-officer.

Second.—Land occupied for a water-course under the provisions of section 22 shall be used only for the purpose of such water-course.

Third.—The proposed water-course shall be completed to the satisfaction of the Divisional Canal-officer within one year after the applicant is placed in occupation of the land.

In cases in which land is occupied or a water-course is transferred on the terms of a rent-charge,

Fourth.—The applicant or his representative in interest shall, so long as he occupies such land or water-course, pay rent for the same at such rate and on such days as are determined by the Collector when the applicant is placed in occupation.

Fifth.—If the right to occupy the land cease owing to a breach of any of these rules, the liability to pay the said rent shall continue until the applicant or his representative in interest has restored the land to its original condition, or until he has paid, by way of compensation for any injury done to the said land, such amount and to such persons as the Collector determines.

Sixth.—The Collector may, on the application of the person entitled to

(a) Printed, General Acts, 1867-76, Ed. 1887, p. 177.

receive such rent or compensation, determine the amount of rent due or assess the amount of such compensation; and, if any such rent or compensation be not paid by the applicant or his representative in interest, the Collector may recover the amount, with interest thereon at the rate of six per cent. per annum from the date on which it became due, as if it were an arrear of land-revenue, and shall pay the same, when recovered, to the person to whom it is due.

If any of the rules and conditions prescribed by this section are not complied with,

or if any water-course constructed or transferred under this Act is disused for three years continuously,

the right of the applicant, or of his representative in interest, to occupy such land or water-course shall cease absolutely.

30. The procedure hereinbefore provided for the occupation of land for the construction of a water-course shall be applicable to the occupation of land for any extension or alteration of a water-course, and for the deposit of soil from water-course clearances.

Procedure applicable to occupation for extensions and alterations.

PART IV.

Of the Supply of Water.

31. In the absence of a written contract, or so far as any such contract does not extend, every supply of canal-water shall be deemed to be given at the rates and subject to the conditions prescribed by the rules to be made by the Local Government in respect thereof.

In absence of written contract, water-supply to be subject to rules.

32. Such contracts and rules must be consistent with the following conditions:—

Conditions as to—

(*a*) The Divisional Canal-officer may not stop the supply of water to any water-course, or to any person, except in the following cases:—

power to stop water-supply;

(1) whenever and so long as it is necessary to stop such supply for the purpose of executing any work ordered by competent authority, and with the previous sanction of the Local Government;

(2) whenever and so long as any water-course is not maintained in such proper customary repair as to prevent the wasteful escape of water therefrom;

(3) within periods fixed from time to time by the Divisional Canal-officer:

claims to compensation in case of failure or stoppage of supply;

(*b*) No claim shall be made against the Government for compensation in respect of loss caused by the failure or stoppage of the water in a canal, by reason of any cause beyond the control of the Government, or of any repairs, alterations or additions to the canal, or of any measures taken for regulating the proper flow of water therein, or for maintaining the established course of irrigation which the Divisional Canal-officer considers necessary; but the person suffering such loss may claim such remission of the ordinary charges payable for the use of the water as is authorized by the Local Government:

claims on account of interruption from other

(*c*) If the supply of water to any land irrigated from a canal be interrupted otherwise than in the manner described in the last preceding clause, the occupier or owner of such land may present a petition for compensation to the Collector for any loss arising from such interruption, and the Collector may award to the petitioner reasonable compensation for such loss:

duration of supply;

(*d*) When the water of a canal is supplied for the irrigation of a single crop, the permission to use such water shall be held to continue only until that crop comes to maturity, and to apply only to that crop; but if it be supplied for irrigating two or more crops to be raised on the same land within the year, such permission shall be held to continue for one year from the commencement of the irrigation, and to apply to such crops only as are matured within that year:

sale or sub-letting of right to use canal-water;

(*e*) Unless with the permission of the Superintending Canal-officer, no person entitled to use the water of any canal, or any work, building or land appertaining to any canal, shall sell or sub-let or otherwise transfer his right to such use: Provided that the former part of this clause shall not apply to the use by a cultivating tenant of water supplied by the owner of a water-course for the irrigation of the land held by such tenant:

transfer, with land, of contracts for water.

But all contracts made between Government and the owner or occupier of any immoveable property, as to the supply of canal-water to such property, shall be transferable therewith, and shall be presumed to have been so transferred whenever a transfer of such property takes place:

No right acquired by user.

(*f*) No right to the use of the water of a canal shall be, or be deemed to have been, acquired under the Indian Limitation Act, 1877, Part IV,(a) nor shall Government be bound to supply any person with water, except in accordance with the terms of a contract in writing. XV of 1877.

(a) The reference to Act IX of 1871 has been altered in accordance with Act XV of 1877, s. 2, printed, General Acts, 1877-81, Ed. 1884, p. 92.

PART V.

Of Water-rates.

33. If water supplied through a water-course be used in an unauthorized manner, and if the person by whose act or neglect such use has occurred cannot be identified,

Liability when person using unauthorizedly cannot be identified.

the person on whose land such water has flowed, if such land has derived benefit therefrom,

or, if such person cannot be identified, or if such land has not derived benefit therefrom, all the persons chargeable in respect of the water supplied through such water-course,

shall be liable, or jointly liable, as the case may be, to the charges made for such use.

34. If water supplied through a water-course be suffered to run to waste, and if, after inquiry by the Divisional Canal-officer, the person through whose act or neglect such water was suffered to run to waste cannot be discovered, all the persons chargeable in respect of the water supplied through such water-course shall be jointly liable for the charges made in respect of the water so wasted.

Liability when water runs to waste.

35. All charges for the unauthorized use or for waste of water may be recovered in addition to any penalties incurred on account of such use or waste.

Charges recoverable in addition to penalties.

All questions under section 33 or section 34 shall be decided by the Divisional Canal-officer, subject to an appeal to the head revenue-officer of the district, or such other appeal as may be provided under section 75.

Decision of questions under sections 33 and 34.

36. The rates to be charged for canal-water supplied for purposes of irrigation to the occupiers of land shall be determined by the rules to be made by the Local Government, and such occupiers as accept the water shall pay for it accordingly.

Charge on occupier for water how determined.

A rate so charged shall be called the "occupier's rate."

"Occupier's rate."

37. In addition to the occupier's rate, a rate to be called the "owner's rate" may be imposed, according to rules to be made by the Local Government, on the owners of canal-irrigated lands, in respect of the benefit which they derive from such irrigation.

"Owner's rate."

38. The owner's rate shall not exceed the sum which, under the rules for the time being in force for the assessment of land-revenue, might be assessed on such land on account of the increase in the annual value or produce thereof caused by the canal-irrigation. And, for the purpose of this section only, land which is permanently settled or held free of revenue shall be considered as though it were temporarily settled and liable to payment of revenue.

Amount of owner's rate.

Owner's rate when not chargeable.

39. No owner's rate shall be chargeable either on the owner or occupier of land temporarily assessed to pay land-revenue at irrigation-rates, during the currency of such assessment.

When occupier is to pay both owner's rate and occupier's rate.

40. If such land is occupied by the owner,

or if it is occupied by a tenant whose rent is not liable to enhancement on the ground that the value of the produce of the land or the productive powers of the land has or have been increased by irrigation,

such owner or tenant shall pay the owner's rate as well as the occupier's rate.

Power to make rules for apportioning owner's rate.

41. In the case of a tenant with a right of occupancy, the Local Government shall have power to make rules for dividing the owner's rate between such tenant and his landlord, proportionately to the extent of the beneficial interest of each in the land.

When owner is to pay owner's rate.

42. If the owner of the land is not the occupier, but has power to enhance the rent of the occupier on the ground that the value of the produce or the productive powers of the land has or have been increased by irrigation;

or if, when the amount of rent was fixed, the land was irrigated from the canal,

the owner shall pay the owner's rate.

Effect of introduction of canal-irrigation on landlord's right to enhance.

43. If a revision of settlement is a ground for entertaining a suit for the enhancement of rent, the introduction of canal-irrigation into any land shall have the same effect on the landlord's right to re-enhance the rent of a tenant with a right of occupancy of such land as if a revision of settlement had taken place, under which the revenue payable in respect of such land had been increased.

Water-rate by whom payable when charged on land held by several owners.

44. Where a water-rate is charged on land held by several joint owners, it shall be payable by the manager or other person who receives the rents or profits of such land, and may be deducted by him from such rents or profits before division, or may be recovered by him from the persons liable to such rate in the manner customary in the recovery of other charges on such rents or profits.

Recovery of Charges.(a)

Certified dues recoverable as land-revenue.

45. Any sum, lawfully due under this Part, and certified by the Divisional Canal-officer to be so due, which remains unpaid after the day on which it becomes due, shall be recoverable by the Collector from the person liable for the same as if it were an arrear of land-revenue.

Power to con-

46. The Divisional Canal-officer or the Collector may enter into an agree-

(a) As to the application of ss. 45–47 to the recovery of drainage rates, see s. 60, *infra*, p. 71.

ment with any person for the collection and payment to the Government by such person of any sum payable under this Act by a third party.

tract for collection of canal-dues.

When such agreement has been made, such person may recover such sum by suit as though it were a debt due to him, or an arrear of rent due to him on account of the land, work or building in respect of which such sum is payable, or for or in which the canal-water shall have been supplied or used.

If such person makes default in the payment of any sum collected by him under this section, such sum may be recovered from him by the Collector under section 45; and, if such sum or any part of it be still due by the said third party, the sum or part so due may be recovered in like manner by the Collector from such third party.

Lambardars may be required to collect canal-dues.

47. The Collector may require the lambardar, or person under engagement to pay the land-revenue of any estate, to collect and pay any sums payable under this Act by a third party, in respect of any land or water in such estate.

Such sums shall be recoverable by the Collector as if they were arrears of land-revenue due in respect of the defaulter's share in such estate;

and, for the purpose of collecting such sums from the subordinate zamindars, raiyats or tenants, such lambardar or person may exercise the powers, and shall be subject to the rules, laid down in the law for the time being in force in respect to the collection by him of the rents of land or of shares of land-revenue.

The Local Government shall provide—

(*a*) for remunerating persons collecting sums under this section; or

(*b*) for indemnifying them against expenses properly incurred by them in such collection; or

(*c*) for both such purposes.

Fines excluded from sections 45, 46, 47.

48. Nothing in sections 45, 46 or 47 applies to fines.

PART VI.

Of Canal-navigation.

Detainer of vessels violating rules.

49. Any vessel entering or navigating any canal contrary to the rules made in that behalf by the Local Government, or so as to cause danger to the canal or the other vessels therein, may be removed or detained, or both removed and detained, by the Divisional Canal-officer, or by any other person duly authorized in this behalf.

Liability of owners of vessels causing damage.

The owner of any vessel causing damage to a canal, or removed or detained under this section, shall be liable to pay to the Government such sum as the Divisional Canal-officer, with the approval of the Superintending Canal-officer, determines to be necessary to defray the expenses of repairing such damage, or of such removal or detention, as the case may be.

Recovery of fines for offences in navigating canals.

50. Any fine imposed under this Act upon the owner of any vessel, or the servant or agent of such owner or other person in charge of any vessel, for any offence in respect of the navigation of such vessel, may be recovered either in the manner prescribed by the Code of Criminal Procedure, 1882,(a) or, if the Magistrate imposing the fine so directs, as though it were a charge due in respect of such vessel. X of 1882.

Power to seize and detain vessel on failure to pay charges.

51. If any charge due under the provisions of this Part in respect of any vessel is not paid on demand to the person authorized to collect the same, the Divisional Canal-officer may seize and detain such vessel and the furniture thereof, until the charge so due, together with all expenses and additional charges arising from such seizure and detention, is paid in full.

Power to seize cargo or goods, if charges due thereon are not paid.

52. If any charge due under the provisions of this Part in respect of any cargo or goods carried in a Government vessel on a canal, or stored on or in lands or warehouses occupied for the purposes of a canal, is not paid on demand to the person authorized to collect the same, the Divisional Canal-officer may seize such cargo or goods and detain them until the charge so due, together with all expenses and additional charges arising from such seizure and detention, is paid in full.

Procedure for recovery of such charges after seizure.

53. Within a reasonable time after any seizure under section 51 or section 52, the said Canal-officer shall give notice to the owner or person in charge of the property seized that it, or such portion of it as may be necessary, will, on a day to be named in the notice, but not sooner than fifteen days from the date of the notice, be sold in satisfaction of the claim on account of which such property was seized, unless the claim be discharged before the day so named.

And, if such claim be not so discharged, the said Canal-officer may, on such day, sell the property seized or such part thereof as may be necessary to yield the amount due, together with the expenses of such seizure and sale:

Provided that no greater part of the furniture of any vessel or of any cargo or goods shall be so sold than shall, as nearly as may be, suffice to cover the amount due in respect of such vessel, cargo or goods.

(a) The reference to Act X of 1872 has been altered in accordance with Act X of 1882, s. 3. (For Act X of 1882, see the revised edition, as modified up to the 15th December, 1888, published by the Legislative Department.)

The residue of such furniture, cargo or goods, and of the proceeds of the sale, shall be made over to the owner or person in charge of the property seized.

Procedure in respect of vessels abandoned and goods unclaimed.

54. If any vessel be found abandoned in a canal, or any cargo or goods carried in a Government vessel on a canal, or stored on or in lands or warehouses occupied for the purposes of a canal, be left unclaimed for a period of two months, the Divisional Canal-officer may take possession of the same.

The officer so taking possession may publish a notice that, if such vessel and its contents, or such cargo or goods, are not claimed previously to a day to be named in the notice, not sooner than thirty days from the date of such notice, he will sell the same; and, if such vessel, contents, cargo or goods be not so claimed, he may, at any time after the day named in the notice, proceed to sell the same.

Disposal of proceeds of sale.

The said vessel and its contents, and the said cargo or goods, if unsold, or, if a sale has taken place, the proceeds of the sale, after paying all tolls, charges and expenses incurred by the Divisional Canal-officer on account of the taking possession and sale, shall be made over to the owner of the same, when his ownership is established to the satisfaction of the Divisional Canal-officer.

If the Divisional Canal-officer is doubtful to whom such property or proceeds should be made over, he may direct the property to be sold as aforesaid, and the proceeds to be paid into the district-treasury, there to be held until the right thereto be decided by a Court of competent jurisdiction.

PART VII.

Of Drainage.

Power to prohibit obstructions or order their removal.

55. Whenever it appears to the Local Government that injury to any land or the public health or public convenience has arisen or may arise from the obstruction of any river, stream or drainage-channel, such Government may, by notification published in the official Gazette, prohibit, within limits to be defined in such notification, the formation of any obstruction, or may, within such limits, order the removal or other modification of such obstruction.

Thereupon so much of the said river, stream or drainage-channel as is comprised within such limits shall be held to be a drainage-work as defined in section 3.

Power to

56. The Divisional Canal-officer, or other person authorized by the Local

remove obstructions after prohibition.

Government in that behalf, may, after such publication, issue an order to the person causing or having control over any such obstruction to remove or modify the same within a time to be fixed in the order.

If, within the time so fixed, such person does not comply with the order, the said Canal-officer may himself remove or modify the obstruction; and, if the person to whom the order was issued does not, when called upon, pay the expenses involved in such removal or modification, such expenses shall be recoverable by the Collector from him or his representative in interest as an arrear of land-revenue.

Preparation of schemes for works of improvement.

57. Whenever it appears to the Local Government that any drainage-works are necessary for the improvement of any lands, or for the proper cultivation or irrigation thereof,

or that protection from floods or other accumulations of water, or from erosion by a river, is required for any lands,

the Local Government may cause a scheme for such drainage-works to be drawn up and published, together with an estimate of its cost and a statement of the proportion of such cost which the Government proposes to defray, and a schedule of the lands which it is proposed to make chargeable in respect of the scheme.

Powers of persons employed on such schemes.

58. The persons authorized by the Local Government to draw up such scheme may exercise all or any of the powers conferred on Canal-officers by section 14.

Rate on lands benefited by works.

59. An annual rate, in respect of such scheme, may be charged, according to rules to be made by the Local Government, on the owners of all lands which shall, in the manner prescribed by such rules, be determined to be so chargeable.

Such rate shall be fixed as nearly as possible so as not to exceed either of the following limits:—

(1) six per cent. per annum on the first cost of the said works, adding thereto the estimated yearly cost of the maintenance and supervision of the same, and deducting therefrom the estimated income, if any, derived from the works, excluding the said rate:

(2) in the case of agricultural land, the sum which, under the rules then in force for the assessment of land-revenue, might be assessed on such land on account of the increase of the annual value or produce thereof caused by the drainage-work.

Such rate may be varied from time to time, within such maximum, by the Local Government.

So far as any defect to be remedied is due to any canal, water-course, road-

or other work or obstruction, constructed or caused by the Local Government or by any person, a proportionate share of the cost of the drainage-works required for the remedy of the said defect shall be borne by such Government or such person, as the case may be.

60. Any such drainage-rate may be collected and recovered in manner provided by sections 45, 46 and 47 for the collection and recovery of water-rates. Recovery of rate.

61. Whenever, in pursuance of a notification made under section 55, any obstruction is removed or modified, Disposal of claims to compensation.

or whenever any drainage-work is carried out under section 57,

all claims for compensation on account of any loss consequent on the removal or modification of the said obstruction or the construction of such work may be made before the Collector, and he shall deal with the same in the manner provided in section 10.

62. No such claim shall be entertained after the expiration of one year from the occurrence of the loss complained of; unless the Collector is satisfied that the claimant had sufficient cause for not making the claim within such period. Limitation of such claims.

PART VIII.

Of obtaining Labour for Canals and Drainage-works.

63. For the purposes referred to in this Part, the word "labourer" includes persons who exercise any handicraft specified in rules to be made in that behalf by the Local Government. Definition of "labourer."

64. In any district in which a canal or drainage-work is constructed, maintained or projected by Government, the Local Government may, if it thinks fit, direct the Collector— Power to prescribe number of labourers to be supplied by persons benefited by canal.

(*a*) to ascertain the proprietors, sub-proprietors or farmers, whose villages or estates are or will be, in the judgment of the Collector, benefited by such canal or drainage-work, and

(*b*) to set down in a list, having due regard to the circumstances of the district and of the several proprietors, sub-proprietors or farmers, the number of labourers which shall be furnished by any of the said persons, jointly or severally, from any such village or estate, for employment on any such canal or drainage-work when required as hereinafter provided.

The Collector may, from time to time, add to or alter such list or any part thereof.

Procedure for obtaining labour for works urgently required.

65. Whenever it appears to a Divisional Canal-officer duly authorized by the Local Government that, unless some work is immediately executed, such serious damage will happen to any canal or drainage-work as to cause sudden and extensive public injury,

and that the labourers necessary for the proper execution thereof cannot be obtained in the ordinary manner within the time that can be allowed for the execution of such work so as to prevent such injury,

the said officer may require any person named in such list to furnish as many labourers (not exceeding the number which, according to the said list, he is liable to supply) as to the said officer seem necessary for the immediate execution of such work.

Every requisition so made shall be in writing, and shall state—

(*a*) the nature and locality of the work to be done,

(*b*) the number of labourers to be supplied by the person upon whom the requisition is made, and

(*c*) the approximate time for which and the day on which the labourers will be required;

and a copy thereof shall be immediately sent to the Superintending Canal-officer for the information of the Local Government.

The Local Government shall fix, and may from time to time alter, the rates to be paid to any such labourers: Provided that such rates shall exceed the highest rates for the time being paid in the neighbourhood for similar work. In the case of every such labourer, the payment shall continue for the whole period during which he is, in consequence of the provisions of this Part, prevented from following his ordinary occupation.

The Local Government may, with the previous sanction of the Governor General in Council, direct that the provisions of this Part shall apply, either permanently or temporarily (as the case may be), to any district or part of a district(*) for the purpose of effecting necessary annual silt-clearances, or to prevent the proper operation of a canal or drainage-work being stopped or so much interfered with as to stop the established course of irrigation or drainage.

Liability of labourers under requisition.

66. When any requisition has been made on any person named in the said list, every labourer ordinarily resident within the village or estate of such person shall be liable to supply, and to continue to supply, his labour, for the purposes aforesaid.

(*) Part VIII has not been applied to any place in the Central Provinces.

Part IX.—Of Jurisdiction. Secs. 67-69. Part X.—Of Offences and Penalties. Sec. 70.]

PART IX.

Of Jurisdiction.

Jurisdiction under this Act of Civil Courts.

67. Except where herein otherwise provided, all claims against Government in respect of anything done under this Act may be tried by the Civil Courts; but no such Court shall in any case pass an order as to the supply of canal-water to any crop sown or growing at the time of such order.

Settlement of differences as to mutual rights and liabilities of persons interested in water-course.

68. Whenever a difference arises between two or more persons in regard to their mutual rights or liabilities in respect of the use, construction or maintenance of a water-course, any such person may apply in writing to the Divisional Canal-officer stating the matter in dispute. Such officer shall thereupon give notice to the other persons interested that, on a day to be named in such notice, he will proceed to inquire into the said matter. And, after such inquiry, he shall pass his order thereon, unless he transfers (as he is hereby empowered to do) the matter to the Collector, who shall thereupon inquire into and pass his order on the said matter.

Such order shall be final as to the use or distribution of water for any crop sown or growing at the time when such order is made, and shall thereafter remain in force until set aside by the decree of a Civil Court.

Power to summon and examine witnesses.

69. Any officer empowered under this Act to conduct any inquiry may exercise all such powers connected with the summoning and examining of witnesses as are conferred on Civil Courts by the Code of Civil Procedure[a]; and every such inquiry shall be deemed a judicial proceeding.

XIV of 1882.

PART X.

Of Offences and Penalties.

Offences under Act.

70. Whoever, without proper authority and voluntarily, does any of the acts following, that is to say:—

(1) damages, alters, enlarges or obstructs any canal or drainage-work;

(2) interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over or under, any canal or drainage-work;

(3) interferes with or alters the flow of water in any river or stream, so as to endanger, damage or render less useful any canal or drainage-work;

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[a] This reference to Act VIII of 1859 should now be read as applying to Act XIV of 1882—see s. 3 of that Act. (For Act XIV of 1882, see the revised edition as modified up to the 1st July, 1888, published by the Legislative Department.)

(4) being responsible for the maintenance of a water-course, or using a water-course, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorized distribution of the water therefrom, or uses such water in an unauthorized manner;

(5) corrupts or fouls the water of any canal so as to render it less fit for the purposes for which it is ordinarily used;

(6) causes any vessel to enter or navigate any canal contrary to the rules for the time being prescribed by the Local Government for entering or navigating such canal;

(7) while navigating on any canal, neglects to take proper precautions for the safety of the canal and of vessels thereon;

(8) being liable to furnish labourers under Part VIII of this Act, fails, without reasonable cause, to supply or to assist in supplying the labourers required of him;

(9) being a labourer liable to supply his labour under Part VIII of this Act, neglects, without reasonable cause, so to supply, and to continue to supply, his labour;

(10) destroys or moves any level-mark or water-gauge fixed by the authority of a public servant;

(11) passes, or causes animals or vehicles to pass, on or across any of the works, banks or channels of a canal or drainage-work contrary to rules made under this Act, after he has been desired to desist therefrom;

(12) violates any rule made under this Act, for breach whereof a penalty may be incurred,

Penalty.

shall be liable, on conviction before a Magistrate of such class as the Local Government directs in this behalf, to a fine not exceeding fifty rupees, or to imprisonment not exceeding one month, or to both.

Saving of prosecution under other laws.

71. Nothing herein contained shall prevent any person from being prosecuted under any other law for any offence punishable under this Act:

Provided that no person shall be punished twice for the same offence.

Compensation to person injured.

72. Whenever any person is fined for an offence under this Act, the Magistrate may direct that the whole or any part of such fine may be paid by way of compensation to the person injured by such offence.

Power to arrest without warrant.

73. Any person in charge of or employed upon any canal or drainage-work may remove from the lands or buildings belonging thereto, or may take into custody without a warrant and take forthwith before a Magistrate or to the

nearest police-station, to be dealt with according to law, any person who, within his view, commits any of the following offences:—

(1) wilfully damages or obstructs any canal or drainage-work;

(2) without proper authority interferes with the supply or flow of water in or from any canal or drainage-work, or in any river or stream, so as to endanger, damage or render less useful any canal or drainage-work.

Definition of "canal."

74. In this Part the word "canal" shall (unless there be something repugnant in the subject or context) be deemed to include also all lands occupied by Government for the purposes of canals, and all buildings, machinery, fences, gates and other erections, trees, crops, plantations or other produce, occupied by or belonging to Government, upon such lands.

PART XI.

Of Subsidiary Rules.

Power to make, alter and cancel rules.

75. The Local Government may, from time to time, with the previous sanction of the Governor General in Council, make rules to regulate the following matters:—

(1) the proceedings of any officer who, under any provision of this Act, is required or empowered to take action in any matter;

(2) the cases in which, and the officers to whom, and the conditions subject to which, orders and decisions given under any provision of this Act, and not expressly provided for as regards appeal, shall be appealable;

(3) the persons by whom, [and] the time, place or manner at or in which, anything for the doing of which provision is made in this Act, shall be done;

(4) the amount of any charge made under this Act;

(5) and generally to carry out the provisions of this Act.

The Local Government may from time to time, with the like sanction, alter or cancel any rules so made.

Publication of rules.

Such rules, alterations and cancelments shall be published in the local official Gazette, and shall thereupon have the force of law.

SCHEDULE.

(*Enactments repealed.*)

[*Repealed by Act XII of 1873.*]

THE CENTRAL PROVINCES LAWS ACT, 1875.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
   Local extent.
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2. Repeal of enactments and rules.
   Proviso as to law relating to land-revenue and Courts of Wards.
3. Certain enactments to be deemed to be in force.
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7. Articles exempt from attachment.
8. Power to make subsidiary rules.
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11. Local repeal, in part, of Code of Civil Procedure.
12. Sections substituted in same Code.

SCHEDULE.

ACT No. XX OF 1875.

Received the assent of the Governor General on the 9th December, 1875.

An Act to declare and amend the law in force in the Central Provinces.

Preamble.

WHEREAS it is expedient to declare and amend certain portions of the law in force in the Central Provinces; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Central Provinces Laws Act, 1875:

Local extent.

It extends to the territories now under the administration of the Chief Commissioner of the Central Provinces;

Commencement.

And it shall come into force on the passing thereof.

Repeal of enactments and rules.

2. On and from the date on which this Act comes into force the following shall be repealed, that is to say,—

(*a*) all Bengal Regulations except the Regulations or parts of Regulations hereinafter declared to be in force;

(*b*) all Acts of the Governor General in Council (except the Acts mentioned in the schedule hereto annexed) which do not expressly or by necessary implication extend to the said territories or any part thereof, and have not been extended thereto in exercise of a power conferred by an Act of the Governor General in Council;

(*c*) all rules, regulations and enactments not being Statutes, Bengal Regulations, Acts of the Governor General in Council, or rules or regulations made in exercise of a power conferred by a Statute, Bengal Regulation or Act of the Governor General in Council:

Provided that nothing in this section shall affect any rules, regulations, enactments or laws relating to the settlement and collection of land-revenue or the jurisdiction of Courts of Wards, which may be in force at the passing of this Act in any part of the said territories.

Proviso as to law relating to land-revenue and Courts of Wards.

3. On and from the said date the enactments specified in the schedule hereto annexed shall be deemed to be in force throughout the said territories, to the extent mentioned in the third column of the said schedule.

Certain enactments to be deemed to be in force.

But the powers and duties incident to the operation of the same enactments, so far as such powers and duties are referred to in the fourth column of the said schedule, shall be exercised and performed by the authorities mentioned in that column.

Nothing in this section shall be deemed to affect the operation of any enactment not mentioned in the said schedule.

4. Every Act of the Governor General in Council which extends, or can by notification be extended, to the territories which were under the administration of the said Chief Commissioner at the time of the passing thereof, shall extend, or may by notification be extended, as the case may be, to all the territories now under the administration of the said Chief Commissioner.

Confirmation of existing Acts.

5. In questions regarding inheritance, special property of females, betrothal, marriage, dower, adoption, guardianship, minority, bastardy, family-relations, wills, legacies, gifts, partitions or any religious usage or institution, the rule of decision shall be the Muhammadan law in cases where the parties are Muhammadans, and the Hindu law in cases where the parties are Hindus, except in so far as such law has been by legislative enactment altered or abolished, or is opposed to the provisions of this Act:

Rule of decision in cases of certain classes.

Provided that when among any class or body of persons or among the members of any family any custom prevails which is inconsistent with the law applicable between such persons under this section, and which, if not inconsistent with such law, would have been given effect to as legally binding, such custom shall, notwithstanding anything herein contained, be given effect to.

Rule in cases not expressly provided for.

6. In cases not provided for by section 5, or by any other law for the time being in force, the Courts shall act according to justice, equity and good conscience.

Articles exempt from attachment.

7. Implements of husbandry and cattle for agricultural purposes and implements of trade are exempted from attachment and sale in execution of decrees of the Civil Courts.

Power to make subsidiary rules.

8. The said Chief Commissioner may from time to time make rules consistent with this Act as to the following matters:—

(*a*) the maintenance of watch and ward and the establishment of a proper system of conservancy and sanitation at fairs and other large public assemblies;

(*b*) the imposition of taxes for the purposes mentioned in clause (*a*) of this section on persons holding or joining any of the assemblies therein referred to;

(*c*) the custody of judicial records, civil and criminal;[a]

(*d*) the appointment, duties, punishment, suspension and dismissal of all ministerial officers.

Penalty for breach of rules.

9. The Chief Commissioner may, in making any rule under this Act, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment, on conviction before a Magistrate, not exceeding one month's imprisonment, or two hundred rupees fine, or both.

Publication of rules. Force of rules.

10. All rules made under this Act shall, when sanctioned by the Governor General in Council, be published in the Central Provinces Gazette and shall thereupon have the force of law.

Local repeal, in part, of Code of Civil Procedure.

[b]11. Sections 184, 185 and 189 of the Code of Civil Procedure[c] are hereby repealed. XIV of 1882.

Sections substituted in same Code.

[b]12. For sections 182, 190 and 191 of the same Code[c] the following shall be substituted (namely):—

Note of evidence to be taken.

"182. A note of the essential points of the evidence of each witness shall be made at the time, and in the course, of oral examination, by the Judge, in his own language, or in English if he is sufficiently acquainted with that language, and such note shall be filed with, and form part of, the record of the case.

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[a] The words repealed by Act III of 1879 have been omitted from s. 8, cl. (*c*).

[b] Ss. 11 and 12 were inserted by Act II of 1879, s. 2, printed *infra*, p. 93.

[c] These references to Act X of 1877 should now be read as applying to Act XIV of 1882—see s. 3 of that Act. (For Act XIV of 1882, see the revised edition as modified up to the 1st July, 1888, published by the Legislative Department.)

"190. If the Judge be prevented from making a note as above required, he shall record the reason of his inability to do so, and shall cause such note to be made in writing from his dictation in open Court, and shall sign the same and such note shall form part of the record.

Judge unable to make note to record reason of his inability.

"191. When the Judge making a note of the evidence, or causing one to be made as above required, dies or is removed from the Court before the conclusion of the suit, his successor may, if he thinks fit, deal with such note as if he himself had made it or caused it to be made."

Power to use note made by Judge dying or removed before conclusion of suit.

SCHEDULE.

(*See section 3.*)

A.—Bengal Regulations.[a]

Number and year of Regulation.	Subject.	Extent of operation.	Powers or duties how to be exercised or performed.
1	2	3	4
V of 1799[b] . .	Estates of Intestates.	Sections 4, 5 and 6 .	The functions of the Court of "Sadr Díwání Adálat" shall be performed by the Judicial Commissioner.
X of 1804[c] . .	Punishment of State offences by Courts-Martial.	So much as has not been repealed.	
XI of 1806[d] .	Passage of Troops .	Sections 2 to 6 and section 8, with the exception of such part as authorizes Collectors and their Native officers, or Magistrates and their Police-officers, to give their official aid in procuring coolies for the pur-	The powers of the "Governor General in Council" and of the "Board of Revenue" shall be exercised by the Chief Commissioner.

(a) So much of Act XX of 1875 as relates to the following Regulations has been repealed by the Acts noted against each. The references to those Regulations in this Schedule have therefore been omitted:—

Ben. Reg. I of 1798: Act IV of 1882.
XVII of 1806: Act IV of 1882.
XX of 1810: Act XIII of 1889.
V of 1817: Act VI of 1878.
XX of 1825: Act X of 1882.

Ben. Reg. VI of 1819 has been repealed in the Central Provinces by Act XVII of 1878. The reference to that Regulation in this Schedule has therefore been omitted.

(b) Printed *supra*, p. 1. (c) Printed *supra*, p. 2.
(d) Printed *supra*, p. 4.

SCHEDULE—*continued.*

A.—Bengal Regulations—*continued.*

Number and year of Regulation.	Subject.	Extent of operation.	Powers or duties how to be exercised or performed.
1	2	3	4
XI of 1806—*contd.*		pose of facilitating the march of troops or the progress of travellers, and with the exception, in section 8, of the words and figures "under the rules prescribed by Regulation V, 1804."	
XI of 1812(a) .	Foreign Immigrants .	So much as has not been repealed.	The powers of the "Nizámat Adálat" shall be exercised by the Judicial Commissioner.
III of 1818(b) .	State Prisoners .	So much as has not been repealed.	
VI of 1825(c) .	Supply of troops on the march.	The whole . .	The powers of the "Board of Revenue" shall be exercised by the Chief Commissioner.
XI of 1825(d) .	Alluvion and Diluvion	The whole.	
V of 1827(e) .	Administration of landed property.	So much as has not been repealed, except the words and figures "and clauses five and six, section XVI, Regulation III, 1803."	The powers of the "Board of Revenue" shall be exercised by the Chief Commissioner.

B.—Acts of the Governor General in Council.(f)

Number and year of Act.	Subject.	Extent of operation.
1	2	3
VIII of 1851(g) . .	Tolls on Roads and Bridges .	The whole Act, except section 1 and the schedule.
XIII of 1857(h) . .	Opium	Sections 21, 22, 23, 25, 26, 27, 28, 29.
XV of 1864(i) . .	Tolls	The whole Act.

(a) Printed *supra*, p. 9. (b) Printed *supra*, p. 12. (c) Printed *supra*, p. 15.
(d) Printed *supra*, p. 17. (e) Printed *supra*, p. 20.
(f) Act XVIII of 1853 has been repealed by Act XIII of 1890. The reference to the former Act in this schedule has therefore been omitted. Act XX of 1875, so far as it relates to Act XL of 1858, has been repealed by Act VIII of 1890. The reference to Act XL of 1858 in this schedule has therefore been omitted.
(g) Printed, General Acts, 1834-66, Ed. 1887, p. 76. (h) Printed *supra*, p. 23.
(i) Printed, General Acts 1834-66, Ed. 1887, p. 409.

ACT No. X OF 1878.

Received the assent of the Governor General on the 15th March, 1878.

An Act for the levy of Additional Rates on land in the Central Provinces.

WHEREAS, in order to defray the expenditure incurred and to be incurred for the relief and prevention of famine, it is necessary to make a permanent, increase to the annual revenues, and it is therefore expedient to provide, in the territories administered by the Chief Commissioner of the Central Provinces, for the levy of additional rates on land; It is hereby enacted as follows:— Preamble.

1. This Act may be called the Central Provinces Additional Rates Act, 1878. Short title.

It extends only to the territories administered by the Chief Commissioner of the Central Provinces; Local extent.

And it shall come into force on such date as the Governor General in Council by notification in the Gazette of India directs. Commencement.

2. Every estate shall be liable, in addition to the rates and cesses payable under any settlement for the time being in force, to the payment of such further rate, not exceeding one per cent. on its annual value, as the Chief Commissioner, with the previous sanction of the Governor General in Council from time to time imposes. Additional rate on estates.

"Annual value" means,

(1) in cases in which the settlement of the land-revenue is liable to periodical revision, double the amount of the land-revenue for the time being assessed on the estate;

(2) in cases in which such settlement is not liable to such revision, or in which the land-revenue has been, wholly or in part, released, compounded for, redeemed or assigned, double the amount which, if the settlement were liable to such revision and an assessment at full rates were made, would be assessed as land-revenue on the estate.

3. All sums due on account of any rate imposed under this Act shall be recoverable as if they were arrears of land-revenue due in respect of the land on account of which the rate is payable. Recovery of rates.

4. The proceeds of all rates levied under this Act shall be carried to the credit of the Local Government. Rates how to be credited.

5. From the sums so credited the Chief Commissioner shall from time to time appropriate such amount as the Governor General in Council may direct, Appropriation for increasing reve-

nue available for relief and prevention of famine.

for the purpose of increasing the revenues available for defraying the expenditure incurred or to be incurred for the relief and prevention of famine in the said territories; or, if the Governor General in Council so directs, in any other part of British India.

The residue of the said sums after such appropriation may be applied by the Chief Commissioner, subject to the control of the Governor General in Council, to such local works likely to promote the public health, comfort or convenience[a] as the Chief Commissioner thinks fit.

Supplementary powers of Chief Commissioner.

6. The Chief Commissioner, with the previous sanction of the Governor General in Council, may, by notification in the local Gazette, from time to time—

(*a*) determine by what instalments and at what times any rate under this Act shall be payable, by whom it shall be assessed, collected and paid, and what portion (if any) thereof, paid by any person in respect of an estate, may be recovered by such person from any other persons having any interest in such estate;

(*b*) make rules consistent with this Act for the guidance of officers in matters connected with its enforcement;

(*c*) exempt wholly or in part any portion of the said territories from the operation of this Act, or exempt any estate from liability to pay the whole or any part of any rate under this Act, and cancel any exemption under this clause;

(*d*) direct fresh measurements of estates liable to pay rates under this Act, and vary the assessments accordingly.

THE NORTHERN INDIA FERRIES ACT, 1878.

CONTENTS.

PREAMBLE.

I.—PRELIMINARY.

SECTIONS.

1. Short title.
Local extent.
Commencement.

(a) As to the application to such purposes of sums realised under the Ferries Act, 1878, see Act XVII of 1878, s. 17, cl. (*c*), *infra*, p. 89.

As to crediting to District Funds in the Central Provinces sums assigned for expenditure on local works under Act X of 1878, s. 5, or Act XVII of 1878, s. 17, see Act I of 1883, s. 23, cl. (*e*), *infra*, p. 222.

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2. Repeal.
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12. Power to make rules.
13. Private ferry not to ply within two miles of public ferry without sanction.
14. Person using approaches, &c., liable to pay.
15. Tolls.
16. Table of tolls.
List of tolls.
17. Tolls, rents, compensation and fines how disposed of.
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III.—Private Ferries.

19. Power to make rules.
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IV.—Penalties and Criminal Procedure.

21. Penalty for breach of provisions as to table of tolls, list of tolls and return of traffic.
22. Penalty for taking unauthorized toll, and for causing delay.
23. Penalty for breach of rules made under sections 12 and 19.
24. Cancelment of lease on default or breach of rules.
25. Penalties on passengers offending.
26. Penalty for maintaining private ferry within prohibited limits.
27. Fines payable to lessee.
28. Penalty for rash navigation and stacking of timber.
29. Power to arrest without warrant.
30. Power to try summarily.
31. Magistrate may assess damage done by offender.

V.—Miscellaneous.

32. Power to take possession of boats, &c., on surrender or cancellation of lease.

SECTIONS.

33. Similar power in cases of emergency.
34. Jurisdiction of Civil Courts barred.
35. Delegation of powers.
36. Validation of proceedings since repeal of Regulation VI of 1819 in Punjab.

ACT No. XVII OF 1878.

Received the assent of the Governor General on the 9th November, 1878.

An Act to regulate Ferries in Northern India.

Preamble.

WHEREAS it is expedient to regulate ferries in the Punjab, the North-Western Provinces, Oudh, the Central Provinces, Assam and Ajmere and Merwára; It is hereby enacted as follows:—

I.—PRELIMINARY.

Short title.

1. This Act may be called the Northern India Ferries Act, 1878.

Local extent.

It extends only to the territories respectively administered by the Lieutenant-Governors of the Punjab and the North-Western Provinces and the Chief Commissioners of Oudh, the Central Provinces, Assam and Ajmere and Merwára.

Commencement.

It shall come into force in each of the said territories on such date[a] as the Local Government may, by notification in the official Gazette, fix in this behalf.

Repeal.

2. On and from the date on which it comes into force in the territories respectively administered by the Lieutenant-Governor of the North-Western Provinces and the said Chief Commissioners, Bengal Regulation VI of 1819 shall be repealed therein; but all determinations, declarations, orders and rules made, engagements entered into, and securities taken, under that Regulation, and then in force, shall be deemed to be respectively made, entered into and taken under this Act.

Interpretation-clause.

3. In this Act the word "ferry" includes also a bridge of boats, pontoons or rafts, a swing-bridge, a flying-bridge and a temporary bridge, and the approaches to, and landing-places of, a ferry.

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[a] Came into force in the Central Provinces on the 1st April, 1879—see Central Provinces Gazette, 1879, Part IA, p. 202.

II.—Public Ferries.

4. The Local Government may from time to time—

(*a*) declare what ferries shall be deemed public ferries[a], and the respective districts in which, for the purposes of this Act, they shall be deemed to be situate;

(*b*) take possession of a private ferry and declare it to be a public ferry[a];

(*c*) establish new public ferries[a] where, in its opinion, they are needed;

(*d*) define the limits of any public ferry;

(*e*) change the course of any public ferry; and

(*f*) discontinue any public ferry which it deems unnecessary.

Power to declare, establish, define and discontinue public ferries.

Every such declaration, establishment, definition, change or discontinuance shall be made by notification in the official Gazette:

Provided that, when a river lies between two Provinces, the powers conferred by this section shall, in respect of such river, be exercised by the Governor General in Council, by notification in the Gazette of India, and not otherwise:

Provided also that, when any alteration in the course or in the limits of a public ferry is rendered necessary by changes in the river, such alteration may be made, by an order under his hand, by the Commissioner of the division in which such ferry is situate, or by such other officer as the Local Government may, from time to time, appoint by name or in virtue of his office in this behalf.

5. Claims for compensation for any loss sustained by any person in consequence of a private ferry being taken possession of under section 4 shall be enquired into by the Magistrate[b] of the district in which such ferry is situate, or such officer as he appoints in this behalf, and submitted for the consideration and orders of the Local Government.

Claims for compensation.

6. The immediate superintendence of every public ferry shall, except as provided in section 7 [c]and section 7A[c], be vested in the Magistrate of the district[b] in which such ferry is situate, or in such other officer as the Local Government may, from time to time, appoint by name or in virtue of his office in this behalf;

Superintendence of public ferries

and such Magistrate or officer shall, except when the tolls at such ferry are leased, make all necessary arrangements for the supply of boats for such ferry, and for the collection of the authorized tolls leviable thereat.

(a) For lists of public ferries in the Central Provinces, see Appendix I.
(b) *Read* District Magistrate—see Act X of 1882, s. 3.
(c-c) This reference to s. 7A in s. 6 was inserted by Act I of 1883, s. 44, printed *infra*, p. 229.

Management may be vested in Municipality;

and proceeds paid into Municipal Fund.

7. The Local Government may direct that any public ferry situate within the limits of a town be managed by the officer or public body charged with the superintendence of the municipal arrangements of such town;

and may further direct that all or any part of the proceeds from such ferry be paid into the Municipal Fund of such town;

and thereupon such ferry shall be managed, and such proceeds or part thereof shall be paid, accordingly.

In Central Provinces management may be vested in District Council or Local Board; and proceeds paid into District Fund.

(a)7A. The Chief Commissioner of the Central Provinces may direct that any public ferry wholly or partly within the area subject to the authority of a District Council or Local Board in any district in those provinces be managed by that Council or Board, and may further direct that all or any part of the proceeds from such ferry be paid into the District Fund of that district;

and thereupon such ferry shall be managed, and such proceeds or part thereof shall be paid accordingly.

Letting ferry-tolls by auction.

(b) 8. The tolls of any public ferry may, from time to time, be let by public auction for a term not exceeding five years with the approval of the Commissioner, or by public auction, or otherwise than by public auction, for any term with the previous sanction of the Local Government.

The lessee shall conform to the rules made under this Act for the management and control of the ferry, and may be called upon by the officer in whom the immediate superintendence of the ferry is vested, or, if the ferry is managed by a municipal or other public body under section 7 or section 7A, then by that body, to give such security for his good conduct and for the punctual payment of the rent as the officer or body, as the case may be, thinks fit.

When the tolls are put up to public auction, the said officer or body, as the case may be, or the officer conducting the sale on his or its behalf, may, for reasons recorded in writing, refuse to accept the offer of the highest bidder, and may accept any other bid, or may withdraw the tolls from auction.

Recovery of arrears from lessee.

9. All arrears due by the lessee of the tolls of a public ferry on account of his lease may be recovered from the lessee or his surety (if any) by the Magistrate(c) of the district in which such ferry is situate as if they were arrears of land-revenue.

Power to cancel lease.

10. The Local Government may cancel the lease of the tolls of any public ferry on the expiration of six months' notice in writing to the lessee of its intention to cancel such lease.

(a) S. 7A was inserted by Act I of 1883, s. 43, printed *infra*, p. 229.

(b) This section was substituted for the original s. 8 by Act III of 1886, s. 1, printed *infra*, p. 227.

(c) *Read* District Magistrate—see Act X of 1882, s. 3.

When any lease is cancelled under this section, the Magistrate[a] of the district in which such ferry is situate shall pay to the lessee such compensation as such Magistrate may, with the previous sanction of the Local Government, award.

Surrender of lease.

11. The lessee of the tolls of a public ferry may surrender his lease on the expiration of one month's notice in writing to the Local Government of his intention to surrender such lease, and on payment to the Magistrate[a] of the district in which such ferry is situate of such compensation as such Magistrate, subject to the approval of the Commissioner, may in each case direct.

Power to make rules.

12. Subject to the control of the Local Government, the Commissioner of a division, or such other officer as the Local Government may, from time to time, appoint in this behalf, by name or in virtue of his office, may, from time to time, make rules consistent with this Act—

(*a*) for the control and the management of all public ferries within such division and for regulating the traffic at such ferries;

[b] (*b*) for regulating the time and manner at and in which, and the terms on which, the tolls of such ferries may be let by auction, and prescribing the persons by whom auctions may be conducted;

(*c*) for compensating persons who have compounded for tolls payable for the use of any such ferry when such ferry has been discontinued before the expiration of the period compounded for; and

(*d*) generally to carry out the purposes of this Act;

and, when the tolls of a ferry have been let under section 8, such Commissioner or other officer may, from time to time (subject as aforesaid), make additional rules consistent with this Act—

(*e*) for collecting the rents payable for the tolls of such ferries;

(*f*) in cases in which the communication is to be established by means of a bridge of boats, pontoons or rafts, or a swing-bridge, flying-bridge or temporary bridge, for regulating the time and manner at and in which such bridge shall be constructed and maintained and opened for the passage of vessels and rafts through the same, and

(*g*) in cases in which the traffic is conveyed in boats, for regulating—

(1) the number and kinds of such boats and their dimensions and equipment;

(2) the number of the crew to be kept by the lessee for each boat;

(3) the maintenance of such boats continually in good condition;

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[a] *Read* District Magistrate—see Act X of 1882, s. 3.

[b] This clause was substituted for the original cl. (*b*) of s. 12 by Act III of 1886, s. 1 (*2*), printed *infra*, p. 277.

(4) the hours during which, and the intervals within which, the lessee shall be bound to ply; and

(5) the number of passengers, animals and vehicles, and the bulk and weight of other things, that may be carried in each kind of boat at one trip.

The lessee shall make such returns of traffic as the Commissioner or other officer as aforesaid may from time to time require.

Private ferry not to ply within two miles of public ferry without sanction.

13.(a) Except with the sanction of the Magistrate of the district(b) or of such other officer as the Local Government may, from time to time, appoint in this behalf, by name or in virtue of his office, no person shall establish, maintain or work a ferry to or from any point within a distance of two miles from the limits of a public ferry:

Provided that, in the case of any specified public ferry, the Local Government may, by notification in the official Gazette, reduce or increase the said distance of two miles to such extent as it thinks fit:

Provided also that nothing hereinbefore contained shall—

prevent persons plying between two places, one of which is without, and one within, the said limits, when the distance between such two places is not less than three miles, or

apply to boats (c)which do not ply for hire or(c) which the Local Government expressly exempts from the operation of this section.

Person using approaches, &c., liable to pay.

14. Whoever uses the approach to, or landing-place of, a public ferry is liable to pay the toll payable for crossing such ferry.

Tolls.

15. Tolls, according to such rates as are from time to time fixed by the Local Government, shall be levied on all persons, animals, vehicles and other things crossing any river by a public ferry and not employed or transmitted on the public service:

Provided that the Local Government may, from time to time, declare that any persons, animals, vehicles or other things shall be exempt from payment of such tolls.

Where the tolls of a ferry have been let under section 8, any such declaration, if made after the date of the lease(d) shall entitle the lessee to such abatement of the rent payable in respect of the tolls as may be fixed by the

(a) This first paragraph of s. 13 was substituted for the original paragraph by Act III of 1886, s. 2, printed *infra*, p. 277.

(b) *Read* District Magistrate—see Act X of 1882, s. 3.

(c) These words in the second proviso to s. 13 were inserted by Act III of 1886, s. 2 (2), printed *infra*, p. 277.

(d) The word "lease" was substituted for the word "auction" by Act III of 1886, s. 1 (3), printed *infra*, p. 277.

Commissioner of the division or such other officer as the Local Government may, from time to time, appoint in this behalf by name or in virtue of his office.

Table of tolls.

16. The lessee or other person authorized to collect the tolls of any public ferry shall affix a table of such tolls, legibly written or printed in the vernacular language, and also, if the Commissioner of the division so directs, in English, in some conspicuous place near the ferry,

List of tolls.

and shall be bound to produce, on demand, a list of the tolls, signed by the Magistrate of the district[a] or such other officer as he appoints in this behalf.

Tolls, rents, compensation and fines how disposed of.

17. Except as provided by section 7 [b] and section 7A [b], all tolls, rents and compensation received by or on behalf of Government, and all fines levied, under this Act shall be disposed of as follows[c], that is to say :—

(*a*) in the territories administered by the Lieutenant-Governor of the North-Western Provinces, the residue of such tolls, rents, compensation and fines, after defraying thereout all charges incurred in carrying out this Act in those territories, shall be credited to the fund constituted for those territories by the North-Western Provinces Local Rates Act, 1878;[d]

III of 1878.

(*b*) in the territories administered by the Chief Commissioner of Oudh, the residue as aforesaid shall be credited to the fund constituted for those territories by the Oudh Local Rates Act, 1878;[e]

IV of 1878.

(*c*) in the territories respectively administered by the Lieutenant-Governor of the Punjab and the Chief Commissioner of the Central Provinces, such tolls, rents, compensation and fines shall be credited to the Local Government and applied, first, to defraying all charges incurred in carrying out this Act in those territories respectively, and then,[f] at the discretion of the Local Government, to any of the purposes specified in the second clause of section 7 of the Punjab Local Rates Act, 1878,[g] or the second clause of section 5 of the Central Provinces Additional Rates Act, 1878,[h] as the case may be, and

V of 1878.

X of 1878.

(*d*) in the territories respectively administered by the Chief Commissioner of Assam and the Chief Commissioner of Ajmere and Merwara, such

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(a) *Read* District Magistrate—see Act X of 1882, s. 3.

(b, b) This reference to s. 7A in s. 17 was inserted by Act I of 1883, s. 44, printed *infra*, p. 229.

(c) But see s. 27, *infra*, as to payment of fines to lessee of public tolls.

(d) Printed, North-Western Provinces Code, Ed., 1886, p. 273.

(e) Printed, Oudh Code, Ed. 1886, p. 252.

(f) As to crediting to District Funds in the Central Provinces sums assigned for expenditure on local works under this clause, see Act I of 1883, s. 23, cl. (*e*), *infra*, p. 222.

(g) Act V of 1878 is repealed by Act XX of 1883.

(h) Printed *supra*, p. 81.

tolls, rents, compensation and fines shall be credited to the Local Government and applied, first, to defraying all charges incurred in carrying out this Act in those territories respectively, and then to such local works and establishments likely to promote the public health, comfort or convenience as the Local Government, subject to the control of the Governor General in Council, may from time to time direct.

Compounding for tolls.

18. The Local Government may, if it thinks fit, from time to time fix rates at which any person may compound for the tolls payable for the use of a public ferry.

III.—Private Ferries.

Power to make rules.

19. The Commissioner of the division may, with the previous sanction of the Local Government, from time to time make rules for the maintenance of order and for the safety of passengers and property at ferries other than public ferries.

Tolls.

20. The tolls charged at such ferries shall not exceed the highest rates for the time being fixed under section 15 for similar public ferries.

IV.—Penalties and Criminal Procedure.

Penalty for breach of provisions as to table of tolls, list of tolls and return of traffic.

21. Every lessee or other person authorized to collect the tolls of a public ferry, who neglects to affix and keep in good order and repair the table of tolls mentioned in section 16,

or who wilfully removes, alters or defaces such table, or allows it to become illegible,

or who fails to produce on demand the list of the tolls mentioned in section 16,

and every lessee who neglects to furnish any return required under section 12,

shall be punished with fine which may extend to fifty rupees.

Penalty for taking unauthorized toll, and for causing delay.

22. Every such lessee or other person as aforesaid and any person in possession of a private ferry asking or taking more than the lawful toll, or without due cause delaying any person, animal, vehicle or other thing, shall be punished with fine which may extend to one hundred rupees.

Penalty for

23. Every person breaking any rule made under section 12 or section 19

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

breach of rules made under sections 12 and 19.

24. When any lessee of the tolls of a public ferry makes default in the payment of the rent payable in respect of such tolls, or has been convicted of an offence under section 23, or, having been convicted of an offence under section 21 or section 22, is again convicted of an offence under either of those sections,

Cancelment of lease on default or breach of rules.

the Magistrate of the district[a] may, with the sanction of the Commissioner of the division, cancel the lease of the tolls of such ferry, and make other arrangements for its management during the whole or any part of the term for which the tolls were let.

25. Every person crossing by any public ferry, or using the approach to, or landing-place thereof, who refuses to pay the proper toll, and every person—

Penalties on passengers offending.

who, with intent to avoid payment of such toll, fraudulently or forcibly crosses by any such ferry without paying the toll, or

who obstructs any toll-collector or lessee of the tolls of a public ferry, or any of his assistants, in any way in the execution of their duty under this Act, or

who, after being warned by any such toll-collector, lessee or assistant not to do so, goes or takes any animals, vehicles or other things into any ferry-boat or upon any bridge, at such a ferry, which is in such a state or so loaded as to endanger human life or property, or

who refuses or neglects to leave, or remove any animals, vehicles or goods from, any such ferry boat or bridge, on being requested by such toll-collector, lessee or assistant to do so,

shall be punished with fine which may extend to fifty rupees.

Penalty for maintaining private ferry within prohibited limits.

[b]**26.** Whoever establishes, maintains or works a ferry in contravention of the provisions of section 13 shall be punished with fine which may extend to five hundred rupees, and with a further fine which may extend to one hundred rupees for every day during which the ferry is maintained or worked in contravention of those provisions.

Fines payable to lessee.

27. Where the tolls of any public ferry have been let under the provisions hereinbefore contained, the whole or any portion of any fine realized under section 25 or section 26 may, notwithstanding anything contained in section

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(a) *Read* District Magistrate—see Act X of 1882, s. 3.

(b) This section was substituted for the original s. 26 by Act III of 1886, s. 2 (3), printed *infra*, p. 277.

17, be, at the discretion of the convicting Magistrate or Bench of Magistrates, paid to the lessee.

Penalty for rash navigation and stacking of timber.

28. Whoever navigates, anchors, moors or fastens any vessel or raft, or stacks any timber, in a manner so rash or negligent as to damage a public ferry, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both; and the toll-collector or lessee of the tolls of such ferry or any of his assistants may seize and detain such vessel, raft or timber pending the enquiry and assessment hereinafter mentioned.

Power to arrest without warrant.

29. The police may arrest without warrant any person committing an offence against section 25 or section 28.

Power to try summarily.

30. Any Magistrate or Bench of Magistrates having summary jurisdiction under Chapter XXII of the Code of Criminal Procedure, 1882 (a), may try any offence against this Act in manner provided by that chapter. X of 1882.

Magistrate may assess damage done by offender.

31. Every Magistrate or Bench of Magistrates trying any offence under this Act may enquire into and assess the value of the damage (if any) done or caused by the offender to the ferry concerned, and shall order the amount of such value to be paid by him in addition to any fine imposed upon him under this Act; and the amount so ordered to be paid shall be leviable as if it were a fine, or, when the offence is one under section 28, by the sale of the vessel, raft or timber causing the damage, and of anything found in or upon such vessel or raft.

The Commissioner of the division may, on the appeal of any person deeming himself aggrieved by an order under this section, reduce or remit the amount payable under such order.

V.—Miscellaneous.

Power to take possession of boats, &c., on surrender or cancellation of lease.

32. When the lease of the tolls of any ferry is surrendered under section 11 or cancelled under section 24, the Magistrate of the district (b) may take possession of all boats and their equipment, and all other material and appliances, used by the lessee for the purposes of such ferry, and use the same (paying such compensation for the use thereof as the Local Government

(a) The reference to Ch. XVIII of Act X of 1872 has been altered in accordance with Act X of 1882, s. 3 (For Act X of 1882, see the revised edition, as modified up to the 15th December, 1888, published by the Legislative Department).

(b) *Read* District Magistrate—see Act X of 1882, s. 3.

may in each case direct) until such Magistrate can conveniently procure proper substitutes therefor.

Similar power in cases of emergency.

33. When any boats or their equipment, or any materials or appliances suitable for setting up a ferry, are emergently required for facilitating the transport of officers or troops of Her Majesty on duty, or of any other persons on the business of Her Majesty, or of any animals, vehicles or baggage belonging to such officers, troops or persons, or of any property of Her Majesty, the Magistrate of the district(a) may take possession of and use the same (paying such compensation for the use thereof as the Local Government may in each case direct) until such transport is completed.

Jurisdiction of Civil Courts barred.

34. No suit to ascertain the amount of any compensation payable, or abatement of rent allowable, under this Act shall be cognizable by any Civil Court.

Delegation of powers.

35. The Local Government may, from time to time, delegate, under such restrictions as it thinks fit, any of the powers conferred on it by this Act to any Commissioner of a division or Magistrate of a district(a), or to such other officer as it thinks fit, by name or by virtue of his office.

36. [*Validation of proceedings*] *Omitted as applying only to the Punjab.*

ACT No. II OF 1879.

Received the assent of the Governor General on the 19th February 1879.

An Act to make better provision for recording evidence in the Central Provinces.

Preamble.

WHEREAS, in order to provide for the recording of evidence in civil suits in the Central Provinces by the Judge in English or in his own language, it is expedient to amend the Central Provinces Laws Act, 1875; It is hereby enacted as follows:—

XX of 1875.

Short title.

1. This Act may be called the Central Provinces Laws Act, 1879;

Commencement.

and it shall come into force at once.

Addition to Act XX of 1875.

2. The following sections shall be deemed to have been added to the said Central Provinces Laws Act, 1875, immediately after the Code of Civil Procedure(b) came into force, that is to say:—

XIV of 1882.

11. [Printed *supra*, p. 78.]

12. [Printed *supra*, p. 78.]

(a) *Read* District Magistrate—see Act X of 1882, s. 3.

(b) This reference to Act X of 1877 should now be read as applying to Act XIV of 1882—see the latter Act, s. 3. (For Act XIV of 1882, see the revised edition, as modified up to the 1st July, 1888, published by the Legislative Department)

ACT No. XIV OF 1879.

Received the assent of the Governor General on the 5th September, 1879.

An Act for the regulation and control of Hackney-carriages in certain Municipalities and Cantonments.

Preamble.

WHEREAS it is expedient to provide for the regulation and control of hackney-carriages in certain municipalities and cantonments; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Hackney-carriage Act, 1879 :

Commencement.

and it shall come into force at once ;

Saving.

but nothing herein contained shall affect any power conferred by any law relating to municipalities,[a] or any rule made in exercise of any such power.

Interpretation-clause.

2. In this Act—

"hackney-carriage" means any wheeled vehicle drawn by animals and used for the conveyance of passengers which is kept, or offered, or plies, for hire ; and

"committee" means a municipal committee, or a body of municipal commissioners, constituted under the provisions of any enactment[a] for the time being in force.

Application of Act to municipalities.

3. The Lieutenant-Governors of the North-Western Provinces and the Punjab, and the Chief Commissioners of Oudh, the Central Provinces, British Burma[b], Assam, Ajmere and Coorg, may, by notification in the official Gazette, apply this Act to any municipality[c] in the territories administered by them respectively.

Power of Committees to make rules.

When this Act has been so applied to any municipality, the Committee of such municipality may, from time to time, make rules for the regulation and control of hackney-carriages within the limits of such municipality, in the manner in which, under the law[d] for the time being in force, it makes rules or bye-laws for the regulation and control of other matters within such limits.

Confirmation

Every rule made under this section shall, when confirmed by the Local

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(a) For the law relating to municipalities in the Central Provinces, see Act XVIII of 1889, *infra*, p. 228.

(b) The Chief Commissioner is now Chief Commissioner of Burma—see Proclamation of 25th September, 1886, in Gazette of India, 1886, Part I, p. 539.

(c) For list of municipalities in the Central Provinces to which this Act has been applied, see Appendix I.

(d) For the law relating to municipalities in the Central Provinces, see Act XVIII of 1889, *infra*, p. 288. Rules cannot be made under that Act in respect of vehicles to which Act XIV of 1879 applies—see *ib.*, s. 84 (*d*), *infra*, p. 313.

Government and published for such time and in such manner as the Local Government may, from time to time, prescribe, have the force of law: and publication of rules.

Provided that the Local Government may, at any time, rescind any such rule. Power of Local Government to rescind rules.

4. The Local Government of any of the said territories may from time to time, subject to the control of the Governor General in Council, make rules for the regulation and control of hackney-carriages in any military cantonment situated in the territory administered by it.(a) Power to make rules for cantonments.

All rules made under this section, when published for such time and in such manner as the authority making the same may, from time to time, prescribe, shall have the force of law.

5. The authority making any rules under this Act may extend their operation to any railway-station, or specified part of a road, not more than six miles from the local limits of the municipality or cantonment concerned: Power to extend operation of rules beyond limits of municipality or cantonment.

Provided that such extension shall be made, in the case of a municipality, with the sanction of the Local Government, and, in the case of a cantonment situate in British India, subject to the control of the Governor General in Council.

When any rules have been made under this Act for any municipality, the Local Government may, subject to the control of the Governor General in Council, extend the operation of such rules to any cantonment the boundary of which is not more than six miles distant from the boundary of such municipality.

6. The rules to be made under section 3 or section 4 may, among other matters,— What rules under sections 3 and 4 may provide for.

(*a*) direct that no hackney-carriage, or no hackney-carriage of a particular description, shall be let to hire, or taken to ply, or offered for hire, except under a license granted in that behalf;

(*b*) direct that no person shall act as driver of a hackney-carriage except under a license granted in that behalf;

(*c*) provide for the issue of the licenses referred to in clauses (*a*) and (*b*), prescribe the conditions (if any) on which such licenses shall be granted, and fix the fees (if any) to be paid therefor;

(*d*) regulate the description of animals, harness and other things to be used with licensed carriages, and the condition in which such carriages, and the animals, harness and other things used therewith,

(a) The words repealed by Act XIII of 1889 have been omitted from s. 4.

shall be kept, and the lights (if any) to be carried after sunset and before sunrise;

(*e*) provide for the inspection of the premises on which any such carriages, animals, harness and other things are kept;

(*f*) fix the time for which such licenses shall continue in force, and the events (if any) upon which within such time they shall be subject to revocation or suspension;

(*g*) provide for the numbering of such carriages;

(*h*) determine the times at which, and the circumstances under which, any person keeping a hackney-carriage shall be bound to let or refuse to let such carriage to any person requiring the same;

(*i*) appoint places as stands for hackney-carriages and prohibit such carriages waiting for hire except at such places;

(*j*) limit the rates or fares, as well for time as distance, which may be demanded for the hire of any hackney-carriage; and prescribe the minimum speed at which such carriages when hired by time shall be driven;

(*k*) limit the number of persons, and the weight of property, which may be conveyed by any such carriage;

(*l*) require the owner or person in charge of any such carriage to keep a printed list of fares in English and such other language as may be prescribed affixed inside such carriage in such place as may be determined by the rules, and prohibit the destruction or defacement of such list;

(*m*) require drivers to wear a numbered badge or ticket, and to produce their licenses when required by a Magistrate or other person authorized by the rules in this behalf, and prohibit the transfer or lending of such licenses and badges, and

(*n*) provide for the deposit of property found in such carriages, and the payment of a fee by the owner of such property on the delivery thereof to him.

Penalty for breach of rules.

7. Any person breaking any rule made under this Act shall be punished with fine which may extend to fifty rupees.

Disposal of fees and payment of expenses.

8. The amount of any fees received and the amount of any expenses incurred in giving effect to this Act shall in any municipality be credited and debited respectively to the Municipal Fund, and, in any cantonment where there is a Cantonment Fund, to such fund.

Power of Magistrate to decide

9. If any dispute arises between the hirer of any hackney-carriage and the owner or driver of such carriage as to the amount of the fare payable by such

hirer under any rule made under this Act, such dispute shall, upon application made in that behalf by either of the disputing parties, be heard and determined by any Magistrate or Bench of Magistrates within the local limits of whose jurisdiction such dispute has arisen; and such Magistrate or Bench may, besides determining the amount so in dispute, direct that either party shall pay to the other such sum as compensation for loss of time as such Magistrate or Bench thinks fit. disputes regarding fares.

Any sum determined to be due or directed to be paid under this section shall be recoverable as if it were a fine.(a)

The decision of any Magistrate or Bench in any case under this section shall be final.

When any such case is heard by a Bench, any difference of opinion arising between the members of such Bench shall be settled in the same manner as differences of opinion arising between such members in the trial of criminal cases.

10. If, at the time any dispute mentioned in section 9 arises, any Magistrate or Bench of Magistrates having jurisdiction in respect of such dispute is sitting within the local limits to which the rules apply, the hirer of the carriage may require the driver thereof to take him in the same to the Court of such Magistrate or Bench for the purpose of making an application under that section. In case of dispute, hirer may require driver to take him to Court.

Any driver neglecting or refusing to comply with such requisition shall be punished with imprisonment for a term which may extend to one month, or with fine not exceeding fifty rupees, or with both.

ACT No. XX OF 1879.

Received the assent of the Governor General on the 14th November, 1879.

An Act to provide for the better prevention of Glanders and Farcy among Horses.

WHEREAS it is expedient to provide for the better prevention of glanders and farcy among horses; It is hereby enacted as follows:— Preamble.

1. This Act may be called the Glanders and Farcy Act, 1879. Short title.

It extends to the whole of British India, except the territories respectively administered by the Governor of Fort St. George in Council,(b) and the Lieutenant-Governor of Bengal; Local extent.

and it shall come into force at once. Commencement.

(a) As to recovery of fines, see Act I of 1868, s. 5, in General Acts, 1867-76, Ed. 1887, p. 19.
(b) The reference to Bombay, which was repealed by Act XXIV of 1886, has been omitted from s. 1.

Interpretation-clause.

2. In this Act, unless there is something repugnant in the subject or context,—

"horse:" "horse" includes also ponies, asses, mules and jennets:

"diseased." "diseased" means affected with glanders or farcy.

Local Government may apply Act.

3. The Local Government may, by notification in the official Gazette, apply this Act, or any provision of this Act, to any local area,[a] to be specified in such notification, within the territories administered by it, and may in like manner amend or cancel any such notification.

Appointment, suspension and dismissal of Inspectors.

4. When this Act has been so applied to any local area, the Local Government may, by notification in the official Gazette, appoint either by name or by virtue of their office such persons as it thinks fit to be Inspectors under this Act and to exercise and perform, within the whole of such local area or such portions thereof as it may from time to time prescribe, the powers conferred and the duties imposed by this Act on such officers.

Every person so appointed may be suspended or dismissed by the Local Government which appointed him.

Every person so appointed shall be deemed a public servant within the meaning of the Indian Penal Code.[b] XLV of 1860.

Inspector's power to seize horse.

5. Within the local limits for which he is so appointed, any such Inspector may seize any horse which he has reason to believe, from personal knowledge or from information given by any person and taken down in writing, is diseased.

Power of entry and search given to Inspectors.

6. For the purpose of making such seizure, such Inspector may, subject to such rules as the Local Government may from time to time make in this behalf, enter and search any field, building or other place where he has reason to believe that any such horse is to be found.

Horse to be examined by Veterinary Surgeon.

7. On any such seizure, the Inspector shall cause the horse so seized to be examined as soon as possible by such Veterinary Surgeon as the Local Government may from time to time appoint in this behalf.

Horse to be destroyed if found diseased; otherwise restored.

8. If such Surgeon certifies in writing that such horse is diseased, the Inspector shall cause the same to be immediately destroyed; but, if such Surgeon does not so certify, the Inspector shall at once deliver the same to the person entitled to the possession thereof.

When horse diseased, place where

9. When any diseased horse has been in any building, shed or other enclosed place, or in any open lines, the Inspector may issue a notice to the

(a) For list of places in the Central Provinces to which Act XX of 1879 has been applied, see Appendix I.

(b) See Act XLV of 1860, s. 21. (For Act XLV of 1860, see the revised edition, as modified up to the 1st August, 1890, published by the Legislative Department.)

owner of such building, shed, place or lines, or the person in charge thereof, directing him to have the same disinfected, and the internal fittings thereof, or such other things found therein or near thereto as the Local Government may from time to time by rule prescribe, destroyed.

it has been to be disinfected, &c.

On the failure or neglect of such owner or other person to comply with such notice within a reasonable time, the Inspector shall cause such building, shed, place or lines to be disinfected, and such fittings or other things to be destroyed, and the expense (if any) thereby incurred may be recovered from such owner or other person as if it were a fine.(a)

10. The owner or any person in charge of a diseased horse shall give immediate information of such horse being diseased to the Inspector or to some officer of police.

Owner or person in charge of diseased horse to give notice.

11. No person in charge of any horse which has been in the same field, building or place or in contact with a diseased horse shall move such horse, except in good faith for the purpose of preventing infection or under a license to be granted by the Inspector and subject to the conditions of such license.

Prohibition against removal, without license, of horse which has been with diseased horse.

12. Any Inspector who, without reasonable ground of suspicion, enters or searches any field, building or other place, or vexatiously and unnecessarily seizes or detains any horse on the pretence that it is diseased, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Vexatious entries, searches and seizures.

No prosecution under this section shall be instituted after the expiry of three months from the date on which the offence has been committed.

Limitation of prosecutions.

13. Any person who refuses or neglects to comply with any notice issued by the Inspector under section 9, or who moves any horse in contravention of section 11, shall be punished with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Penalty for refusing to comply with notice under section 9, or moving horse contrary to section 11.

14. The Local Government may, from time to time, make rules, consistent with this Act,—

Power to make rules.

(*a*) for regulating entries and searches by Inspectors under this Act;

(*b*) for regulating the destruction of horses certified under section 8 to be diseased, and the disposal of the carcasses of such horses;

(*c*) for regulating the disinfecting of buildings and places in which dis-

(a) As to recovery of fines, see Act I of 1868, s. 5, in General Acts, 1867-76, Ed. 1887, p. 19.

cased horses have been, and for prescribing what things found therein or near thereto shall be destroyed;

(*d*) for regulating the grant of licenses under section 11, and the conditions on which such licenses shall be granted; and

(*e*) generally for carrying out the purposes of this Act.

All such rules shall be published in the official Gazette, and shall thereupon have the force of law.

Any person breaking a rule made under this section shall be punished with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

15. [*Validation of proceedings.*] *Omitted, as applying only to the Punjab.*

THE VACCINATION ACT, 1880.

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BENGAL SECRETARIAT LIBRARY.

ACT No. XIII OF 1880.

Received the assent of the Governor General on the 9th July, 1880.

An Act to give power to prohibit inoculation, and to make the vaccination of children compulsory, in certain Municipalities and Cantonments.

WHEREAS it is expedient to give power to prohibit inoculation, and make the vaccination of children compulsory, in certain municipalities and cantonments; It is hereby enacted as follows:— Preamble.

1. This Act may be called the Vaccination Act, 1880: and Short title.

It shall apply only to such municipalities and cantonments situate in the territories administered respectively by the Lieutenant-Governors of the North-Western Provinces and the Punjab, and the Chief Commissioners of Oudh, the Central Provinces, British Burma,[a] Assam, Ajmere and Coorg as it may be extended to in manner hereinafter[b] provided. Application.

2. In this Act, unless there is something repugnant in the subject or context,— Interpretation-clause.

(1) the expression "Municipal Commissioners" means a body of Municipal Commissioners or a Municipal Committee constituted under the provisions of any enactment[c] for the time being in force: "Municipal Commissioners":

(2) "parent" means the father of a legitimate child and the mother of an illegitimate child: "parent":

(3) "guardian" includes any person who has accepted or assumed the care or custody of any child: "guardian":

(4) "unprotected child" means a child who has not been protected from "unprotected child".

(a) This reference to British Burma should now be read as referring to Lower Burma—see Act XX of 1886, s. 4, in Burma Code, Ed. 1889, p. 364.

(b) See ss. 3 and 4, *infra*, p. 102.

(c) For the law relating to municipalities in the Central Provinces, see Act XVIII of 1889, *infra*, p. 288.

small-pox by having had that disease either naturally or by inoculation, or by having been successfully vaccinated, and who has not been certified under this Act to be insusceptible to vaccination;

"inoculation": (5) "inoculation" means any operation performed with the object of producing the disease of small-pox in any person by means of variolous matter:

"vaccination-circle": (6) "vaccination-circle" means one of the parts into which a municipality or cantonment has been divided under this Act for the performance of vaccination:

"vaccinator": (7) "vaccinator" means any vaccinator appointed under this Act to perform the operation of vaccination, or any private person authorized by the Local Government in manner hereinafter provided to perform the same operation; and includes a "Superintendent of Vaccination":

"vaccination-season". (8) "vaccination-season" means the period from time to time fixed by the Local Government for any local area under its administration by notification in the official Gazette, during which alone vaccination may be performed under this Act.

Extension of Act to municipalities.

3. A majority in number of the persons present at a meeting of the municipal Commissioners specially convened in this behalf may apply to the Local Government to extend this Act to the whole or any part of a municipality: and thereupon the Local Government may, if it thinks fit, by notification published in the official Gazette, declare its intention to extend this Act in the manner proposed.

Any inhabitant of such municipality or part thereof who objects to such extension may, within six weeks from the date of such publication, send his objection in writing to the Secretary to the Local Government, and the Local Government shall take such objection into consideration. When six weeks from the said publication have expired, the Local Government, if no such objections have been sent as aforesaid, or (when such objections have been so sent) if in its opinion they are insufficient, may by like notification effect the proposed extension.[a]

Extension to cantonments.

4. The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, extend[a] this Act to the whole or any part of a military cantonment.

Power to withdraw local area

5. The Local Government may, by notification in the official Gazette, withdraw[b] any local area in a municipality, or with the previous sanction of

(a) For list of such extensions, see Appendix I.
(b) No such withdrawal has been made.

the Governor General in Council, any local area in a cantonment, from the operation of this Act. from operation of Act.

6. In any local area to which the provisions of this Act apply, inoculation shall be prohibited; and Prohibition of inoculation.

no person who has undergone inoculation shall enter such area before the lapse of forty days from the date of the operation, without a certificate from a medical practitioner, of such class as the Local Government may from time to time by written order authorize to grant such certificates, stating that such person is no longer likely to produce small-pox by contact or near approach. Inoculated persons not to enter, without certificate, local area subject to Act.

7. Every local area to which this Act applies shall be a vaccination-circle, or shall in manner hereinafter provided be divided into a number of such circles; Vaccination-circles.

one or more vaccinators shall be appointed in manner hereinafter provided for each such circle; and Vaccinators.

one or more Superintendents of vaccination shall be appointed in manner hereinafter provided for each such local area. Superintendent of vaccination.

8. The Local Government may by written license authorize private vaccinators to perform vaccination in any vaccination-circle, and may suspend or cancel any such license. Private vaccinators.

9. When any unprotected child, having attained the age of six months, has resided for a period of one month during the vaccination-season in any local area to which the provisions of this Act apply, and has not at the expiration of such period attained the age, if a boy, of fourteen years, and if a girl of eight years, the parent or guardian of such child shall take it, or cause it to be taken, to a vaccinator to be vaccinated, or send for a vaccinator to vaccinate it. Unprotected children to be vaccinated.

Such vaccinator shall vaccinate the child and deliver to its parent or guardian a memorandum stating the date on which the vaccination has been performed and the date on which the child is to be inspected in order to ascertain the result of the operation; or shall, if he finds such child in a state unfit for vaccination, deliver to its parent or guardian a certificate under his hand to the effect that the child is in a state unfit for vaccination for the whole or part of the current vaccination-season. Vaccinator to vaccinate children, or deliver certificates of postponement.

10. The parent or guardian of every child which has been vaccinated under section 9 shall, on the date of inspection stated in the memorandum, take the child, or cause it to be taken, to a vaccinator for inspection, or get it inspected at his own house by a vaccinator; and Inspection after vaccination.

such vaccinator shall then append to the memorandum a certificate stating that the child has been inspected and the result of such inspection.

Procedure when vaccination is successful.

11. When it is ascertained at the time of inspecting a child under section 10 that the vaccination has been successful, a certificate shall be delivered by the vaccinator to the parent or guardian of such child to that effect, and such child shall thereafter be deemed to be protected.

Procedure when vaccination is unsuccessful.

12. When it is ascertained as aforesaid that the vaccination has been unsuccessful, the parent or guardian shall, if the vaccinator so direct, cause the child to be forthwith again vaccinated and subsequently inspected in manner hereinbefore provided.

Procedure when child is unfit for vaccination.

13. A certificate granted under section 9 showing the unfitness of a child for vaccination shall remain in force for the period stated therein, and on the termination of that period, or, if that period terminates after the vaccination-season is over, when the next vaccination-season begins, the parent or guardian of such child shall take the child, or cause it to be taken, to a vaccinator to be vaccinated, or procure its vaccination at his own house by a vaccinator:

Renewal of postponement certificates.

Provided that, if the child is still found to be in a state unfit for vaccination, the certificate granted under section 9 shall be renewed.

Certificate of insusceptibility of successful vaccination.

14. If the Superintendent of vaccination is of opinion that a child which has been three times unsuccessfully vaccinated is insusceptible of successful vaccination, he shall deliver to the parent or guardian of such child a certificate under his hand to that effect; and the parent or guardian shall thenceforth not be required to cause the child to be vaccinated.

What lymph to be used.

15. The vaccination of a child shall ordinarily be performed with such lymph as may be prescribed by the rules to be made under this Act:

Provided that,—

1st, if animal-lymph is so prescribed and the parent or guardian of any child desires that such child shall be vaccinated with human lymph, it shall be so vaccinated; and,

2nd, if in any local area in which animal-lymph is procurable human lymph is so prescribed, and the parent or guardian of any child desires that such child should be vaccinated with animal-lymph, and tenders to the vaccinator the amount of such fee, not exceeding one rupee, as may be fixed by such rules in this behalf, such child shall be so vaccinated.

No fee to be charged except by private vaccinator.

16. No fee shall be charged by any vaccinator except a private vaccinator to the parent or guardian of any child for any of the duties imposed on such vaccinator by or under the provisions of this Act:

Proviso.

Provided that it shall be lawful for a vaccinator to accept a fee for vaccin-

ating a child by request of the parent or guardian elsewhere than in the circle for which such vaccinator is appointed.

Duties of Superintendent of vaccination

17. The Superintendent of vaccination, in addition to the other duties imposed on him by or under the provisions of this Act, shall ascertain whether all unprotected children, under the age of fourteen years if boys, and under the age of eight years if girls, within the local area under his superintendence have been vaccinated; and, if he has reason to believe that the parent or guardian of any such child is bound by the provisions hereinbefore contained to procure the vaccination of such child or to present it for inspection, and has omitted so to do, he shall personally go to the house of such parent or guardian, and there make enquiry, and shall, if the fact is proved, forthwith deliver to such parent or guardian, or cause to be affixed to his house, a notice requiring that the child be vaccinated, or (as the case may be) that it be presented for inspection, at a time and place to be specified in such notice.

Notice to parent or guardian neglecting to comply with Act.

Order by Magistrate when notice not complied with.

18. If such notice is not complied with, the Superintendent of vaccination shall report the matter to the Magistrate of the district[a], or such Magistrate as the Local Government or the Magistrate of the district[a] may from time to time appoint in this behalf; and the Magistrate receiving such report shall summon the parent or guardian of the child and demand his explanation, and shall, if such explanation is not satisfactory, make an order in writing directing such parent or guardian to comply with the notice before a date specified in the order.

Procedure when order not obeyed.

If on such date the order has not been obeyed, the Magistrate shall summon the parent or guardian before him, and, unless just cause or excuse is shown, shall deal with the disobedience as an offence punishable under section 22.

Magistrates to be non-official Natives.

The Magistrates appointed under this section shall, as far as is conveniently practicable, be Natives of India, and not paid servants of the Government.

Power to make rules for municipalities.

19. When this Act has been applied to any municipality or any part thereof, the Municipal Commissioners may, from time to time, make rules consistent with this Act for the proper enforcement of this Act within the limits to which it applies. Such rules shall be made in the manner in which, under the law[b] for the time being in force, the Commissioners make rules or bye-laws for the regulation of other matters within the limits of the municipality, and shall, when confirmed by the Local Government and published in the official Gazette, have the force of law:

(a) *Read* District Magistrate—see Act X of 1882, s. 3.

(b) For the law relating to municipalities in the Central Provinces, see Act XVIII of 1889, *infra*, p. 288.

Provided that the Local Government may at any time rescind or modify any such rule.

Power to makes rules for cantonments.

20. When this Act has been applied to any cantonment or any part thereof, the Local Government may, from time to time, subject to the control of the Governor General in Council, make such rules.

What rules under sections 19 and 20 may provide for.

21. The rules to be made for any local area under sections 19 or 20 may, among other matters, provide for—

(*a*) the division of such local area into circles for the performance of vaccination;

(*b*) the appointment of a place in each vaccination-circle as a public vaccine-station, and the posting of some distinguishing mark in a conspicuous place near such station;

(*c*) the qualifications to be required of public vaccinators and Superintendents of vaccination;

(*d*) the authority with which their appointment, suspension and dismissal shall rest;

(*e*) the time of attendance of public vaccinators at the vaccine-stations, and their residence within the limits of the vaccination-circles;

(*f*) the distinguishing mark or badge to be worn by them;

(*g*) the amount of fee chargeable by private vaccinators, and their guidance generally in the performance of their duties;

(*h*) the facilities to be afforded to people for procuring the vaccination of their children at their own houses;

(*i*) the grant and form of certificates of successful vaccination, of unfitness for vaccination or of insusceptibility of vaccination;

(*j*) the nature of the lymph to be used and the supply of a sufficient quantity of such lymph;

(*k*) the fee to be paid for vaccination with animal-lymph under section 15;

(*l*) the fee to be paid to a public vaccinator for vaccinating a child beyond the vaccination-circle at the request of the parent or guardian of the said child;

(*m*) the preparation and keeping of registers showing—

the names of children born in such local area on or after the date of the application of this Act;

the names of unprotected children born in such local area previous to the application of this Act, and who are, at the time this Act is applied, under the age of fourteen years if boys, and of eight years if girls;

the names of unprotected boys and girls respectively under those ages

brought within such local area at any time after the application of this Act and who have resided there for a month;

the result of each vaccination or its postponement, and the delivery of certificates, if any;

(*n*) the assistance to be given by the Municipal Commissioners and municipal servants in the preparation of these registers, and in other matters; and

(*o*) the preparation of vaccination-reports and returns.

22. Whoever commits any of the undermentioned offences (that is to say):— Punishment of offences.

(*a*) violates the provisions of section 6,

(*b*) neglects without just excuse to obey an order made under section 18,

(*c*) breaks any of the rules made under section 19 or 20, or

(*d*) neglects without just cause to obey an order made under section 18 after having been previously convicted of so neglecting to obey a similar order made in respect of the same child,

shall be punished as follows (that is to say):—

in the case of the offence mentioned in clause (*a*), with simple imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both;

in the case of the offences mentioned in clauses (*b*) and (*c*), with fine which may extend to fifty rupees; and

in the case of the offence mentioned in clause (*d*), with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

23. The amount of all fees and fines realized, and the amount of all expenditure incurred, under this Act in any municipality shall respectively be credited to and paid from the Municipal Fund. Municipal Funds to receive fines and meet expenditure.

THE CENTRAL PROVINCES LAND-REVENUE ACT, 1881.

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SCHEDULE.—ENACTMENTS REPEALED.

ACT No. XVIII OF 1881.

(*Received the assent of the Governor General on the 8th June, 1881.*)

An Act to consolidate and amend the law relating to Land-revenue and the powers of Revenue-officers in the Central Provinces.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to land-revenue and to the powers of Revenue-officers in the Central Provinces; It is hereby enacted as follows:—

PART I.

CHAPTER I.

PRELIMINARY.

Short title.

Local extent.

1. This Act may be called the Central Provinces Land-revenue Act, 1881: It extends to all the territories for the time being under the administration of the Chief Commissioner of the Central Provinces;[a]

Commencement.

and it shall come into force on such day[b] as the Chief Commissioner, with the previous sanction of the Governor General in Council, may direct by notification in the local official Gazette.

Enactments repealed.

Pending proceedings.

2. On and from such day the enactments mentioned in the schedule hereto annexed, so far as they relate to the territories to which this Act extends, and all other rules, regulations and enactments relating to the settlement and collection of the land-revenue in such territories, shall be repealed.

3. All proceedings relating to matters dealt with by this Act and, when this Act comes into force, pending before officers by whom they would be cognizable under this Act, shall be deemed, so far as may be, to have been commenced hereunder.

Interpretation-clause.

"Assistant Commissioner": "Legal practitioner": "Village-cess":

4. In this Act, unless there is something repugnant in the subject or context,—

(1) "Assistant Commissioner" includes also "Extra Assistant Commissioner":

(2) "legal practitioner" means an advocate, vakil or attorney of any High Court, a pleader, mukhtar or revenue-agent:

(3) "village-cess" means any cess which a person resident or holding

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(a) The reference to scheduled districts, which was repealed by Act XVI of 1889, s. 3 (printed *infra*, p. 277), has been omitted from s. 1.

(b) The 4th November, 1881—see Central Provinces Gazette, 1881, Part II, p. 176.

lands in a village pays, or renders to the proprietors as such of the village,[a] or to their transferees or assignees as such or to the patél,[a] and includes service rendered or things furnished as well as money paid:

(4) "recognized agent" means a person authorized in writing by any party to a proceeding under this Act to make appearances and applications and to do other acts on his behalf in such proceeding and also belonging to any class which the Chief Commissioner may, from time to time, by notification in the official Gazette, declare in this behalf: "Recognized agent":

(5) "agricultural year" means the year commencing on the first day of June, or on such other date as the Chief Commissioner may, in the case of any specified district or districts, from time to time, appoint: "Agricultural year:"

[b] (6) "sír-land" means— "Sír-land."

(*a*) land which was recorded as "sír" in the papers of the last preceding settlement of the local area in which the land is situate;

(*b*) land which was not so recorded, but which at the commencement of the Central Provinces Land-revenue Act, 1889,[c] was occupied by, and had been cultivated by, the proprietor or one of the proprietors thereof for a period of not less than twelve consecutive years; XVI of 1889.

(*c*) waste-land which has been broken up by the proprietor or one of the proprietors thereof, and cultivated by him for a period of not less than six consecutive years;

and includes also in the Sambalpúr district land which was recorded as "bhogra" in the papers of the last preceding settlement of the local area in which the land is situate.

Explanation I.—Land (other than bhogra) which at the commencement of the Central Provinces Land-revenue Act, 1889,[c] was unoccupied by such proprietor and which had, after the date of such settlement, or the expiration of such period of twelve years, or six years (as the case may be), been so unoccupied for a period of six consecutive years is not sír-land. Land is occupied by the proprietor when it is leased out by him with an express reservation of his sír-rights. XVI of 1889.

Explanation II.—In this definition the word "proprietor" includes an assignee of proprietary rights, and land is said to be cultivated when it is allowed to lie fallow in accordance with the usual practice of cultivation.

Explanation III.—When by any local custom land is liable to exchange or

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(a-a) These words in s. 4, cl. (3), were inserted by Act XVI of 1889, s. 4, printed *infra*, p. 278.

(b) This clause was substituted for the original cl. (6) of s. 4 by Act XVI of 1889, s. 5, printed *infra*, p. 278.

(c) Printed *infra*, p. 277.

re-distribution among the cultivators thereof, land which is not sír-land and which is taken in exchange for sír-land becomes sír-land, and the sír-land given in exchange for that land ceases to be sír-land:

"Survey-number": [a] (6*a*) "survey-number" means a local area held by, or intended to be settled with, a raiyat under a separate assessment of land-revenue in a village or estate which is the property of the Government:

"Mahál": (7) "mahál" means any local area held under a separate engagement for the payment of the land-revenue direct to Government, and includes also any local area declared, under the provisions of this Act, to be a mahál, [b] but does not include a survey-number:[b]

"Village": (8) "village" includes any tract of land which, at the last settlement of such land, has been recognized as a village, or which the Chief Commissioner may, from time to time, declare to be a village for the purposes of this Act:

"Proprietor": [c] (8*a*) "proprietor", except in section 4, clause (6), and in sections 61, 62, 68 and 69, includes a gaontia of a Government village in the Sambalpúr district:

"Málguzár": (9) "málguzár" means a person who, under the provisions of this Act, has accepted, or is to be deemed to have accepted, the assessment of a mahál, and includes his representatives and assigns, and also any person with whom a settlement has been made before this Act comes into force, and his representatives and assigns:

"Málik-makbúzá": [d] (10) "málik-makbúzá" means any person owning one or more plots of land separately assessed with revenue in a mahál, and who is not a málguzár, inferior proprietor or member of the proprietary body of the mahál:

"Lambardár": (11) "lambardár" means a person appointed in manner prescribed by this Act to represent the proprietary body of a mahál in its relations with the Government:

"Sub-lambardár": (12) "sub-lambardár" means a person so appointed to represent the inferior proprietary body of a mahál in its relations with the superior proprietors:

"Mukaddam": (13) "mukaddam" means the executive headman of a village, appointed in manner prescribed by this Act:

"Patél": [e] (13*a*) "patél" means a person appointed in manner prescribed under this Act to represent a body of Government raiyats in their dealings with the Government:

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[a] Cl. (6*a*) was inserted by Act XVI of 1889, s. 6, printed *infra*, p. 278.
[b-b] These words in cl. (7) were inserted by Act XVI of 1889, s. 7, printed *infra*, p. 278.
[c] Cl. (8*a*) was inserted by Act XVI of 1889, s. 8, printed *infra*, p. 278.
[d] This clause was substituted for the original cl. (10) by Act XVI of 1889, s. 9, printed *infra*, p. 278.
[e] Cl. (13*a*) was inserted by Act XVI of 1889, s. 10, printed *infra*, p. 278.

(a)(13b) "pattí" means the lands allotted to any sharer or body of co-sharers in a mahál by an imperfect partition under this Act: "Pattí":

(14) "tenant" means a person who holds land of another person, and is, or but for a special contract would be, liable to pay rent for such land to such other person; but it does not include a farmer, mortgagee or thíkadár of proprietary rights; "Tenant":

(b) *Explanation I.*—An inferior proprietor is not, as such, a tenant;

(b) *Explanation II.*—The holder of a survey-number in a village let in farm by the Government, or held by a gaontia in the Sambalpúr district, is a tenant of the farmer or gaontia for the time being;

(b) *Explanation III.*—A person who is not an absolute occupancy-tenant or an occupancy-tenant and who holds land from a málik-makbúzá or from the holder of a survey-number is a sub-tenant of that land;

(15) "rent" means whatever is paid, delivered or rendered, in money, kind or service, by a tenant on account of the use or occupation of land let to him: "Rent":

(16) "absolute occupancy-tenant" means, in reference to any land, a tenant who, at a settlement of such land made before this Act comes into force(c), or after such a settlement but before this Act comes into force(c), was recorded, by order of a Revenue or Settlement Officer, in respect of such land, as an "absolute occupancy-raiyat," or in terms equivalent thereto: "Absolute occupancy-tenant":

(17) "record-of-rights" includes the supplementary administration-paper prepared at or after the time of making a settlement before this Act comes into force(c). "Record-of-rights".

PART II.

CHAPTER II.(d)

Of Revenue-officers: their Powers and Procedure.

5. The Chief Commissioner shall, subject to the control of the Governor General in Council, be the Chief Controlling Revenue-authority. Chief Controlling Revenue-authority.

(a) Cl. (13b) was inserted by Act XVI of 1889, s. 10, printed *infra*, p. 278.

(b) These Explanations to s. 4, cl. (14), were substituted for the original Explanation by Act XVI of 1889, s. 11, printed *infra*, p. 278.

(c) The 4th November, 1881.

(d) As to the application of ss. 11 and 15—26 to Settlement-officers and to proceedings before them, see s. 31, *infra*, p. 126.

As to the application of Act XVIII of 1881, in cases under the Central Provinces Tenancy Act, 1883, in respect of powers and procedure of Revenue-officers and Settlement-officers, and appeals from their decisions or orders, see Act IX of 1883, s. 64, *infra*, p. 255.

Revenue-officers.

(a)6. (*1*) Besides the Chief Commissioner there shall be the following classes of Revenue-officers, namely:—

Commissioners;
Deputy Commissioners;
Assistant Commissioners;
Tahsildárs;
Náib Tahsildárs.

(*2*) All Revenue-officers are subordinate to the Chief Commissioner; all Revenue-officers in a division are subordinate to the Commissioner of the division; and all Revenue-officers in a district are subordinate to the Deputy Commissioner of the district.

(*3*) An officer in charge of a village-survey in a district which is not under settlement may be invested by the Chief Commissioner with the powers of a Revenue-officer of any class, and, when so invested, shall be subordinate to such officer or officers as the Chief Commissioner may direct.

Appointment, suspension and removal of Commissioners, Deputy and Assistant Commissioners.

7. Subject to the control of the Governor General in Council, the Chief Commissioner shall appoint, and may suspend or remove, Commissioners, Deputy Commissioners and Assistant Commissioners.

Appointment, suspension and removal of Tahsíldárs and Náib Tahsíldárs.

8. The Chief Commissioner shall appoint, and may suspend or remove, Tahsíldárs; and may also make rules for regulating the appointment, duties, suspension and removal of Náib Tahsíldárs.

Persons holding office when Act comes into force.

9. All Commissioners, Deputy Commissioners, Assistant Commissioners, Tahsíldárs and Náib Tahsíldárs holding office as such in the territories to which this Act extends when this Act comes into force shall be deemed to have been appointed hereunder.

Power to appoint additional Commissioners, Deputy Commissioners and Tahsíldárs.

10. The Chief Commissioner may appoint any person to be an additional Tahsíldár in any tahsíl, or, with the sanction of the Governor General in Council, to be an additional Commissioner or additional Deputy Commissioner in any division or district, and may suspend or remove any person so appointed, but subject, in the case of an additional Commissioner or additional Deputy Commissioner, to the like sanction.

The Chief Commissioner may invest any additional Commissioner, Deputy

(a) This section was substituted for the original s. 6 by Act XVI of 1889, s. 12, printed *infra*, p. 278.

Commissioner or Tahsíldár appointed under this section with all or any of the powers conferred by this Act on a Commissioner, Deputy Commissioner or Tahsíldár, as the case may be.

Chief Commissioner may invest Assistant Commissioner with powers of Deputy Commissioner.

11. The Chief Commissioner may invest any Assistant Commissioner attached to a district with all or any of the powers conferred by this Act on Deputy Commissioners.

Officers transferred to retain powers with which they were invested.

12. Whenever any Assistant Commissioner, Tahsíldár or Náib Tahsíldár is transferred from one district or tahsíl to another, he shall, unless the Chief Commissioner otherwise directs, exercise in the district or tahsíl to which he is transferred all the powers with which he was, under any provision of this Act, invested by the Chief Commissioner in the district or tahsíl from which he is transferred.

Provision for discharge of duties of Deputy Commissioner dying or being disabled.

13. When a Deputy Commissioner dies or is disabled from performing his duties, such officer as the Chief Commissioner may by rule direct shall take executive charge of his district, and shall be deemed to be a Deputy Commissioner under this Act, until a successor to the Deputy Commissioner so dying or disabled is appointed and such successor takes charge of his office, or until the person so disabled resumes charge of his office.

Chief Commissioner may alter limits of district or tahsíl.

14. The Chief Commissioner may, from time to time, by notification in the official Gazette, alter the limits of any district or tahsíl, create new districts or tahsíls and abolish existing districts or tahsíls.

Power to invest Revenue-officers—

with power conferred by Code of Civil Procedure;

with power to delegate powers.

15. The Chief Commissioner may, subject to the control of the Governor General in Council, invest any Revenue-officer with any of the following powers:—

for the purpose of disposing of cases under this Act, any power conferred by the Code of Civil Procedure(*) on the Civil Court;

XIV of 1882.

power to delegate to any Revenue-officer subordinate to him the exercise of any power or performance of any duty conferred or imposed on him by this Act;

and, subject to the like control, may determine the Revenue-officer by whom any case or class of cases for which no express provision in this behalf is made in this Act shall be disposed of.

(*) This reference in s. 15 to Act X of 1877 should now be read as applying to Act XIV of 1882—see s. 3 of that Act. (For Act XIV of 1882, see the revised edition, as modified up to the 1st July, 1888, published by the Legislative Department.)

Power of Deputy Commissioner to distribute work.

16. Subject to any rules which the Chief Commissioner may make in this behalf, a Deputy Commissioner may—

(*a*) refer any case to any Revenue-officer subordinate to him for investigation and report, or, if such officer has power to dispose of such case, for disposal; or

(*b*) direct that any Revenue-officer subordinate to him shall, without such reference, deal with any case or class of cases arising within any specified area, and either investigate and report on such case or class, or, if he has power, dispose of it himself.

The subordinate Revenue-officer shall submit his report on any case referred to him under this section for report, to the Deputy Commissioner, or otherwise, as may be directed in the order of reference; and the officer receiving such report may, if he has power to dispose of the case, dispose of the same, or may return it for further investigation to the officer submitting the report, or may hold such investigation himself.

Power of superior Revenue-authorities to withdraw and transfer cases.

17. The Chief Commissioner, the Commissioner or the Deputy Commissioner may withdraw any case pending before any Revenue-officer subordinate to him, and either dispose of it himself, or refer it for disposal to any other Revenue-officer subordinate to him and having power to dispose of the same.

Power of Revenue-officers to enter on land, &c.

18. All Revenue-officers and persons acting under their orders may, in the performance of any duty under this Act, enter upon and survey land, and demarcate boundaries, and do all other acts necessary to the business in which they are engaged.

Power for Revenue and Settlement-officers to require attendance of persons and production of documents.

(a) 18A. (*1*) Any Revenue-officer or class of Revenue-officers and any officer appointed to make a settlement may, if specially empowered in this behalf by the Chief Commissioner, order all persons whose presence may be, in the opinion of the officer making the order, necessary for any of the purposes of this Act to attend either in person or by authorized agent at any specified time and place, and may also direct them to produce any written document in their possession; and all such persons shall be legally bound to obey the order.

(*2*) The power to require the attendance of parties in person shall, so far as may be, be subject to the provisions of section 176 of the Code of Civil Procedure.(b) XIV of 1882.

Power to make rules to

19. The Chief Commissioner may, with the previous sanction of the Governor General in Council, make rules consistent with this Act for regulating the pro-

(a) S. 18A was inserted by Act XVI of 1889, s. 13, printed *infra*, p. 278.

(b) For Act XIV of 1882 see the revised edition as modified up to the 1st July, 1888, published by the Legislative Department.

cedure of Revenue-officers in cases for which a procedure is not prescribed by this Act, and may, by any such rule, direct that any provisions of the Code of Civil Procedure[a] shall apply, with or without modification, to all or any classes of cases before Revenue-officers. regulate procedure.

XIV of 1882.

20. All appearances before, applications to, and acts to be done before, any Revenue-officer under this Act may be made or done— Persons by whom appearances and applications may be made before and to Revenue-officers.

(*a*) by the parties themselves; or,

(*b*) with the permission of the officer, by their recognized agents or any legal practitioner:

Provided that the employment of a legal practitioner or recognized agent shall not excuse the personal attendance of a party to any proceeding in cases where such attendance is required by any order of the Revenue-officer. Obligation of parties to attend in person.

21. The fees of a legal practitioner or recognized agent shall not be allowed as costs before any Revenue-officer unless such officer considers, for reasons to be recorded by him in writing, that such fees should be allowed. Legal practitioner's or agent's fees not allowed unless for special reasons.

22. An appeal shall lie against every decision or order[b] under this Act— Appeals.

(*a*) when such decision or order is passed by any Revenue-officer subordinate to the Deputy Commissioner, except an Assistant Commissioner exercising the powers of a Deputy Commissioner—to the Deputy Commissioner;

(*b*) when such decision or order is passed by a Deputy Commissioner, or by an Assistant Commissioner exercising the powers of a Deputy Commissioner, whether in the first instance or on appeal—to the Commissioner of the division;

(*c*) when such decision or order is passed on appeal or otherwise by the Commissioner of a division—to the Chief Commissioner:

Provided that in no case shall a third appeal be allowed.

23. No appeal shall lie— Limitation of appeals.

(*a*) in the Court of the Deputy Commissioner or an Assistant Commissioner exercising the powers of a Deputy Commissioner—after the expiration of thirty days from the date of the decision or order complained of; or

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(a) This reference in s. 19 to Act X of 1877 should now be read as applying to Act XIV of 1882—see s. 3 of that Act. (For Act XIV of 1882, see the revised edition, as modified up to the 1st July, 1888, published by the Legislative Department.)

(b) Except in certain cases—see s. 38, *infra*, p. 128.

(*b*) in the Court of the Commissioner—after the expiration of sixty days from such date; or

(*c*) in the Court of the Chief Commissioner—after the expiration of ninety days from such date.

In computing such periods of limitation, and in all respects not herein specified, the provisions of the Indian Limitation Act, 1877,[a] shall apply. XV of 1877.

Powers of revision of Commissioner and Deputy Commissioner.

24. Any Commissioner or Deputy Commissioner may at any time, for the purpose of satisfying himself as to the legality or propriety of any order passed by, and as to the regularity of the proceedings of, any Revenue-officer subordinate to him, call for and examine the record of any case pending before, or disposed of by, such officer, and may pass such order in reference thereto as he thinks fit:

Provided that he shall not under this section modify or reverse any order affecting any question of right between private persons, without having given to the parties interested reasonable notice to appear and be heard in support of such order.

Powers of revision of Chief Commissioner.

25. The Chief Commissioner may at any time call for and examine the record of any case pending before, or disposed of by, any Revenue-officer, and may pass such order in reference thereto as he thinks fit:[b]

Provided that no order affecting any question of right between private persons shall be passed under this section unless the Chief Commissioner has given the parties interested an opportunity of being heard.

Review of orders.

26. Every Revenue-officer may, either on his own motion or on the application of any party interested, review, and on so reviewing modify, reverse or confirm, orders passed by himself or by any of his predecessors in office:

Provided as follows:—

(1) when a Commissioner or Deputy Commissioner thinks it necessary to review any order which he has not himself passed, and when an officer under the rank of Deputy Commissioner proposes to review any order, whether passed by himself or by any predecessor, he shall first obtain the sanction of the officer to whom he is immediately subordinate:

(2) no order shall be modified or reversed unless reasonable notice has been given to the parties interested to appear and be heard in support of such order:

(a) Printed, General Acts, 1877-81, Ed. 1884, p. 91.
(b) As to restriction on revision of record-of-rights, see s. 84, *infra*, p. 141.

(3) no order against which an appeal has been preferred shall be reviewed while such appeal is pending:

(4) no order affecting any question of right between private persons shall be reviewed except on the application of a party to the proceedings; and no application for the review of such an order shall be entertained unless it is made within ninety days from the passing of the order, or unless the applicant satisfies the Revenue-officer that he had sufficient cause for not making the application within such period.

For the purposes of this section the Deputy Commissioner shall be deemed to be the successor in office of any Revenue-officer who has left the district or has ceased to exercise powers as a Revenue-officer, and to whom there is no successor in office.

PART III.

OF SURVEY AND SETTLEMENT.

CHAPTER III.

PRELIMINARY.

Notification of revenue-survey.

27. Whenever it appears to the Chief Commissioner that a revenue-survey should be made in any local area, he shall publish a notification in the official Gazette directing that such survey be made, and cause translations of such notification in the language of the district to be posted up in conspicuous places in such area; and thereupon all officers in charge of such survey, their assistants, servants, agents and workmen, may enter upon the lands to be surveyed, and erect survey-marks, and do all other acts necessary for making the survey.

Effect thereof.

Notification of settlement.

28. When any local area is to be settled, the Chief Commissioner may, with the previous sanction of the Governor General in Council, issue a notification of settlement,(*) and in such notification shall—

(*a*) define the local area to be settled;

(*b*) specify the operations which are to be carried out in the settlement;

and may from time to time, with the like sanction, amend, alter or cancel such notification.

Power to amend notification.

Every such notification, amendment, alteration and cancellation shall be published in the local official Gazette.

(*) As to duration of settlement-operations, see s. 39, *infra*, p. 128.

Power to appoint Settlement-officers;

29. The Chief Commissioner may from time to time appoint one or more officers (hereinafter called Settlement-officers) to make the settlement of such area; and, when he appoints more than one such officer, he shall appoint one of them (hereinafter called the Chief Settlement-officer[a]) to control such settlement, and all other officers appointed for the purposes of such settlement shall be subordinate to the Chief Settlement-officer.

and to suspend and remove them.

The Chief Commissioner may suspend or remove any officer appointed under this section.

Settlement-officer may be invested with powers of Deputy Commissioner.

30. During the progress of the settlement of any local area, the Chief Commissioner may invest any Settlement-officer within such area with all or any of the powers of a Deputy Commissioner under this Act, to be exercised by him in such classes of cases as the Chief Commissioner may from time to time direct.

Certain provisions of Chapter II applied to Settlement-officers.

[b]31. The provisions of section 11 and sections 15 to 26, both inclusive, shall apply, *mutatis mutandis*, to Settlement-officers and to proceedings before them, the expression "Settlement-officer" being read for the expressions "Assistant Commissioner" and "Revenue-officer," and the expression "Chief Settlement-officer" for the expression "Deputy Commissioner," wherever those expressions occur:

Provided that an appeal from any appealable order passed by a subordinate Settlement-officer shall lie to the Chief Settlement-officer if preferred within sixty days from the date of such order:

Provided also that no appeal shall lie from any decision of a Chief Settlement-officer which can be called in question in a Civil Court.

Appointment of Settlement-commissioner;

32. The Chief Commissioner may, from time to time, with the previous sanction of the Governor General in Council,—

(*a*) appoint a Settlement-commissioner, and transfer to him, within any local area under settlement, all or any of the powers which the Commissioner of the division, if the land to be settled were wholly situate within such division, would otherwise exercise under this Act in matters connected with such settlement; and

delegation to him of Chief Commissioner's powers.

(*b*) delegate to the Settlement-commissioner such of his own powers in regard to matters connected with such settlement as he thinks fit.

(a) Notwithstanding anything contained in s. 29, the Chief Commissioner shall be deemed to have, and to have had, authority to assign to the Settlement-officer the title "Assistant Settlement-officer" and to the Chief Settlement-officer the title "Settlement-officer"—see Act XVI of 1889, s. 40, *infra*, p. 280.

(b) S. 31 does not apply to suits and appeals or other proceedings instituted before, or determined by, Settlement-officers in pursuance of powers conferred upon them under ss. 33-35—see s. 37, *infra*, p. 128.

Power to invest Settlement-officers with Civil Court powers.

33. When any local area is under settlement, the Chief Commissioner may invest any subordinate Settlement-officer with the powers of any of the first five grades of Courts described in section 4 of the Central Provinces Courts Act, 1865,(a) and the Chief Settlement-officer with the powers of a Court of a Deputy Commissioner described in the same Act, sections 12, 19 and 20, for the trial, in the first instance, of any of the following classes of suits instituted within such area (namely) :—

XIV of 1865.

(*a*) suits for arrears of rent due on account of any right of pasturage, forest-rights, fisheries or the like;

(*b*) suits by lambardárs for arrears of revenue payable through them by the proprietors whom they represent;

(*c*) suits by proprietors for their share of the profits of an estate or any part thereof after payment of the revenue and village-expenses, or for a settlement of accounts;

(*d*) suits by muáfidárs or assignees of revenue for arrears of revenue owing to them as such muáfidárs or assignees;

(*e*) suits by superior proprietors for arrears of revenue due to them as such superior proprietors;

(*f*) suits by proprietors and others in receipt of the rent of land against any agents employed by them in the management of land or collection of rents or against the sureties of such agents, for money received or accounts kept by such agents in the course of such employment, or for papers in their possession;

(*g*) suits regarding any matter which a Settlement-officer is required to decide or to enter in the record-of-rights, and of which Civil Courts can take cognizance;

(*h*) suits relating to land, or the rent, profits or occupation of land.

Chief Settlement-officer to have powers of Deputy Commissioner.

34. When the Chief Commissioner invests any subordinate Settlement-officer with the powers of a Civil Court for the trial of any of the suits mentioned in section 33, the Chief Settlement-officer to whom such Settlement-officer is subordinate shall have the powers of the Court of a Deputy Commissioner described in the Central Provinces Courts Act, 1865,(b) sections 12, 19 and 20, with reference to proceedings before, or decrees and orders of, such Settlement-officer in such suits.

XIV of 1865.

(a) Act XIV of 1865 has been repealed by Act XVI of 1885: see now ss. 4, 7, 15, 16, and 2 (2) of the latter Act, *infra*, pp. 262, 263 and 266.

(b) Act XIV of 1865 has been repealed by Act XVI of 1885: see now ss. 15, 16, 17 (*1*) and 2 (2) of the latter Act, *infra*, pp. 266 and 262.

Appeals in suits specified in section 33 when to lie to Chief Settlement-officer.

35. When any local area is under settlement and Settlement-officers have been invested with the powers mentioned in section 33 in such local area, the Chief Commissioner may, with respect to all or to any of the suits specified in that section, declare that all or any of the decrees and orders passed in exercise of the powers of Courts of the first four grades aforesaid, by Assistant Commissioners or Tahsíldárs not being Settlement-officers, shall be appealable to the Chief Settlement-officer, and not to the Deputy Commissioner of the district.

Division of civil work between Settlement-officers and ordinary Courts.

36. When any local area is under settlement and the Settlement-officers therein have been invested with powers under section 33, the Chief Commissioner may withdraw from the jurisdiction of the ordinary Civil Courts within such area the classes of suits which Settlement-officers have power to dispose of under that section, or he may direct that, in respect of such suits, the Settlement-officers shall have concurrent jurisdiction with the ordinary Civil Courts:

Provided that no proceedings which have been inadvertently or erroneously taken before the Civil Court shall be deemed to be invalid merely on the ground that, by the Chief Commissioner's order, they should have been taken before a Settlement-officer.

Provisions of section 31 not to apply to certain suits.

37. Nothing in section 31 shall apply to suits and appeals or other proceedings instituted before, or determined by, Settlement-officers in pursuance of powers conferred upon them under section 33, 34 or 35.

Appeal, reference and revision.

38. Except as provided in sections 33, 34 and 35, the decrees and orders of a Settlement-officer passed, whether in the first instance or on appeal, in exercise of the powers of a Civil Court of any grade, shall, for the purposes of appeal, reference and revision, be deemed to be decrees and orders of a Civil Court of such grade, and no appeal shall lie under the provisions of section 22 from such decrees or orders.

Duration of settlement-operations.

39. Every settlement notified under section 28 shall be deemed to be in progress until the Chief Commissioner, by notification in the official Gazette, declares that it is completed.

Cases pending at close of settlement-operations.

When the settlement of any local area has been notified as completed, all the powers exercised by the Settlement-officers in such area shall cease, and all suits and applications pending before such officers shall be transferred to such of the Courts ordinarily having jurisdiction in such cases as the Commissioner of the division directs, or, if there are no such Courts, shall be disposed of in such manner as the Chief Commissioner directs.

CHAPTER IV.

Of Demarcation.

Unowned Lands.

40. When any local area is under settlement, the Settlement-officer shall make lists of all lands in such area which appear to him to have no lawful owner; and shall thereupon issue a notification declaring his intention to demarcate such lands as the property of the Government and inviting every person having claims to or over them to present in his Court, within three months from the date of the notification, a petition in writing setting forth such claims and the respective grounds thereof.

Settlement-officer to invite claims to lands appearing to have no owner.

41. Every such notification shall be deemed to be an advertisement under Act No. XXIII of 1863(a) (*to provide for the adjudication of claims to waste-lands*), section 1;

Application of Act XXIII of 1863.

the demarcation of such lands shall be deemed to be a disposition of them within the meaning of that Act;

the Settlement-officer shall exercise all the powers vested in the Collector by that Act; and

claims to or over the land comprised in such notification shall be dealt with as nearly as may be in the manner prescribed in that Act.

42. Whenever a claim to the exercise or enjoyment of any right (not amounting to the right of exclusive possession) in to or over any land comprised in such notification is established, either before the Settlement-officer or before the Court constituted under the said Act No. XXIII of 1863,(a) section 7, the Settlement-officer may assign to the claimant as his property a definite portion of such land, or, with the sanction of the Chief Commissioner, he may otherwise compensate the claimant; and such assignment or compensation shall be held to extinguish all claims on account of such exercise or enjoyment.

Procedure when limited right over land established.

Mahâls.

43. The Settlement-officer may declare any local area to be a mahâl.

Power to form mahâls.

Excluded Lands.

44. For the purpose of excluding from all or any of the operations of the settlement any town or any land from which the owner can derive no profit,

Settlement-officer may exclude any

(a) Printed, General Acts, 1834-66, Ed. 1887, p. 391.

town or land from settlement-operations.

the Settlement-officer may mark off the site and determine the limits of such town or land:

Provided that no land in respect of which land-revenue is payable at the date of the notification issued under section 28 shall, under this section, be exempted from assessment without the sanction of the Chief Commissioner.

Boundary-marks.

Erection of new, and repair of existing, boundary-marks.

45. When any local area is under settlement, the Settlement-officer may order all persons who have proprietary rights in the land comprised in such area,[a] or who are in possession of the whole or any part of the land as gaontias or as thíkadárs of Government land, or as raiyats who have accepted the assessment of a survey-number,[a] to erect boundary-marks of such description and at such places as he thinks necessary in order to define the limits of the mahále, fields or other lands in their possession, or to repair boundary-marks already existing; and may fix a reasonable time for obeying his order;

and, if his order is not obeyed within such time, may cause such marks to be erected or repaired under his own orders, and may recover the cost of such erection or repair from the persons against whom his order was made, in such proportion as he thinks fit.

CHAPTER V.

Of the Assessment of Land-revenue.

Separate sum to be assessed on every mahál. Progressive assessments.

46. On every mahál a definite and separate sum shall be assessed as land-revenue; but the sum so assessed may be reduced in such manner and to such extent as the Chief Commissioner thinks fit, for any period not exceeding ten years from the date on which the assessment takes effect:

[b] Provided that the Chief Commissioner may declare that any mahál which consists wholly or principally of forest is a forest-mahál, and may direct that the assessment shall be a specified share of the gross or net annual value of the produce of the mahál to be determined from time to time for each year, or part of a year, or that the assessment shall be in the form of rates chargeable on the produce of the mahál in each year or part of a year.

Matters as to which Chief Commissioner.

47. The Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, give instructions to the Settlement-officer as to the principle on which land-revenue is to be assessed, and

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(a-a) These words in s. 45 were inserted by Act XVI of 1889, s. 14, printed *infra*, p. 278.
(b) This proviso to s. 46 was added by Act XVI of 1889, s. 15, printed *infra*, p. 278.

as to the sources of miscellaneous income to be taken into account in the assessment. or is to instruct Settlement-officer.

48. In assessing a mahál all land situate therein shall be taken into account except the following (that is to say) :— What land taken into account in assessing mahál.

(*a*) land purchased free from revenue under any rules for the time being in force to regulate the sale of waste-lands;

(*b*) land in respect of which the revenue has been redeemed under any rules for the time being in force;

(*c*) land excluded from assessment under section 44;

(*d*) land in respect of which a claim to hold it free from revenue as against the Government is established under the provisions hereinafter contained:

(*e*) land which the Chief Commissioner, subject to the control of the Governor General in Council, may from time to time exempt from assessment.

49. The assessment of every mahál shall be offered to the entire proprietary body of such mahál: Assessment to whom to be offered.

Provided that, when superior and inferior proprietary rights co-exist in the same mahál, the Settlement-officer may, subject to such rules as the Chief Commissioner may make in this behalf, determine whether the assessment shall be offered to the superior or to the inferior proprietors.

Subject to such rules as the Chief Commissioner may make in this behalf, the Settlement-officer may determine the manner and proportion in which the proprietary profits of the mahál shall be allotted between the superior and the inferior proprietors.

When a proprietor has mortgaged his rights in any mahál, and the mortgagee has entered into possession, such mortgagee, so long as he is in possession, shall, for the purposes of this section, stand in the place of the mortgagor.

50. When in a mahál in which superior and inferior proprietors co-exist the Settlement-officer makes a settlement with the superior proprietors, he shall make on their behalf a sub-settlement with the inferior proprietors, by which such inferior proprietors shall be bound to pay to the superior proprietors an annual revenue equal to the land-revenue with which the mahál is assessed and to the profits to which the superior proprietors are entitled under section 49. Sub-settlement to be made with inferior proprietors when settlement is made with superior.

51. When in any such mahál the settlement is made with the inferior proprietors, the Settlement-officer may direct that the profits to which the Power to give directions as to

payment of certain profits of superior proprietors.

superior proprietors are entitled under section 49 shall be paid by the inferior proprietors direct to such superior proprietors, or that such profits shall be collected as if they were land-revenue and shall be paid to the superior proprietors from the Government treasury.

Power to make rules for reporting assessment for sanction.

52. The Chief Commissioner may make rules prescribing the manner in which the Settlement-officer shall report for sanction his rates and method of assessment; and no assessment shall be offered without the previous sanction of the Chief Commissioner.

Offers of assessment to be made subject to revision and confirmation.

53. In making any offer of assessment the Settlement-officer shall state that it is made subject to confirmation by the Governor General in Council, and also to revision by the Chief Commissioner at any time before such confirmation is received.

Option to accept or refuse assessment.

54. It shall be in the option of the persons to whom an assessment is offered to accept or refuse the same.

Mode of acceptance.

If they are willing to accept it, they shall make and sign an acceptance in writing, in such form as the Chief Commissioner may from time to time prescribe in this behalf, and deliver the same to the Settlement-officer.

Proprietor not accepting in manner prescribed may be deemed to have accepted.

(a) 55. Any proprietor who, within such reasonable period as may be specified by the Chief Commissioner, fails to make, sign and deliver such acceptance, or to inform the Settlement-officer that he refuses the proposed assessment, shall, if the Settlement-officer by an order in writing so directs, be deemed to have accepted such assessment.

Effect of acceptance of assessment.

(a) 56. Whenever the assessment of a mahál has been accepted under this Act, the persons who have accepted it shall be bound to pay the amount thereof from such date and for such term as the Chief Commissioner may appoint in this behalf, or, if at the expiry of that term no new assessment has been made and is ready to take effect, until a new assessment has been made and is ready to take effect:

Provided as follows:—

Assessment may be rescinded by Chief Commissioner; or by Governor General in Council.

1st, any assessment may be rescinded by the Chief Commissioner at any time before it has been confirmed by the Governor General in Council;

2ndly, the Governor General in Council may rescind any assessment submitted to him for confirmation;

Málguzárs may object

3rdly, if all the málguzárs of a mahál, six months before the expiry of the

(a) As to the application of ss. 55 and 56 to raiyatwári settlements, see s. 67G., *infra*, p. 137.

term fixed under this section, apply in writing to the Deputy Commissioner stating that they are unwilling that the assessment should continue in force beyond the expiry of such term, the assessment shall, on the expiry of such term, cease to be in force.

to continuance of assessment beyond term of settlement.

(*)56A. (*1*) If the assessment accepted is a specified share of the produce of a forest mahál to be determined from time to time or in the form of rates chargeable on the produce of a forest-mahál, the Deputy Commissioner shall, from time to time, as the conditions of the assessment may require, notify to the málguzár, on or before such date, or at such intervals, as the Chief Commissioner may prescribe, the amount payable in respect of the forest-mahál.

When assessment is in form of rates, Deputy Commissioner to publish record of amount payable.

(*2*) The Deputy Commissioner and his subordinates may at any time enter on the forest-mahál and do all acts necessary for ascertaining the amount payable in respect thereof.

57. Where there is but one class of proprietors in a mahál, and all refuse to accept in manner required by section 54 the assessment offered, the Settlement-officer may, with the previous sanction of the Chief Commissioner, exclude them from settlement for a period not exceeding thirty years from the date of such exclusion, and may either let the mahál in farm, or take it under direct management.

Procedure when assessment is refused.

58. If some of the proprietors consent, and some refuse, so to accept the assessment offered, the Settlement-officer may, with the previous sanction of the Chief Commissioner, if the interest of the recusant proprietors in the lands taken into account in the assessment consists entirely of lands held by them separately from the other proprietors, exclude such recusant proprietors from settlement for a period not exceeding thirty years from the date of such exclusion, and either let their lands in farm or take such lands under direct management.

Procedure when only some proprietors accept assessment.

In other cases the assessment of the entire mahál shall be offered to the proprietors who consented to accept the assessment when originally offered, and if they refuse it the mahál shall be dealt with under the provisions of section 57.

When the recusant proprietors are excluded under this section, the lands of the proprietors who consented to accept the assessment originally offered shall be deemed to be a separate mahál, and shall be assessed as such; and such assessment shall be offered to the proprietors so consenting; and, if the lands of the

(*) S. 56A was inserted by Act XVI of 1889, s. 16, printed *infra*, p. 278.

recusant proprietors are let in farm, the farm shall be first offered to the proprietors who consented to accept the assessment originally offered.

Procedure on refusal of assessment in mahál in which superior and inferior rights co-exist.

59. When an assessment is offered in a mahál in which both superior and inferior proprietors co-exist,—

(*a*) if all the proprietors of the class with which the Settlement-officer proposes to make the settlement refuse to accept as aforesaid the assessment offered, the assessment shall be offered to the proprietors of the other class; and, if all such proprietors refuse the assessment, the Settlement-officer shall proceed as provided in section 57;

(*b*) if some only of the proprietors of the class with which the Settlement-officer proposes to make the settlement refuse the assessment, he may either proceed as if all had refused it or may deal with the mahál under section 58:

Provided that, if, in the case contemplated by clause (*b*), the proprietors who consented to accept the assessment when originally offered refuse to accept it, such assessment shall be offered to the other class of proprietors.

Procedure on refusal of assessment by inferior proprietors.

60. If all or any of the inferior proprietors refuse any assessment offered under section 50, the Settlement-officer may exclude them all from the sub-settlement, and assign the proprietary management and profits of the mahál to the superior proprietor for any term not exceeding the term of settlement.

Allowance to excluded proprietors.

61. Any proprietor excluded from settlement under section 57 or section 59, clause (*a*), shall be entitled to receive from the Government an annual allowance, the amount of which shall be fixed by the Chief Commissioner, but which shall not be less than five per cent., or more than ten per cent., on the amount of the assessment offered to him by the Settlement-officer.

Excluded proprietors to have occupancy-rights in their sír-land.

62. Any proprietor excluded from settlement or sub-settlement under sections 57 to 60, both inclusive, shall be entitled to retain possession of his sír-land (if any) as if he were an absolute occupancy-tenant, and the rent to be paid by him for such land during the term of his exclusion shall be fixed by the Settlement-officer accordingly.

Aggregate amount of allowance granted to, and deduction from rent allowed to, excluded proprietor.

63. The aggregate amount of any allowance under section 61, and of the difference between the rent fixed under section 62 and the rent which the excluded proprietor would be liable to pay if he were a tenant-at-will, shall not be less than five or more than fifteen per cent. on the amount of the assessment offered to him by the Settlement-officer.

Sub-settlement with málik-mak-

64. The Settlement-officer may make, on behalf of málik-makbúzás or other like holders of land, such a sub-settlement as shall secure to them from the

málgúzars of the mahál their existing rights; and may provide that, in addition to the land-revenue payable by them, they shall pay to the málgúzars such percentage thereon, not exceeding twenty per cent., as may in his opinion be sufficient to compensate the said málgúzars for their responsibility in respect of the land-revenue, and to provide for the fees of lambardárs and mukaddams.

búzás and other like holders of land.

65. The amount of revenue payable under a sub-settlement shall be a first charge upon all the land comprised in such sub-settlement.

Revenue payable under sub-settlement to be first charge on land.

(a)65A. The Settlement-officer may inquire into the claim of any person holding from a proprietor a village or part of a village as thíkadár, gaontia or farmer, and may, with the previous sanction of the Chief Commissioner, provide in the terms of settlement for the protection of such thíkadár, gaontia or farmer against arbitrary enhancement or ejectment:

Provided that the protection of a thíkadár, gaontia or farmer shall not be provided for under this section unless he or those from whom he has inherited was or were in possession of the village at the last settlement of the local area in which the village is situate, or unless it is proved to the satisfaction of the Settlement-officer that he or those from whom he has inherited has or have established the village or substantially improved it at his or their own cost.

Power to enquire into the claims of thíkadárs, gaontias or farmers.

66. When the whole of the land comprised in a mahál is held in severalty the Settlement-officer shall apportion to the several holdings the amount with which such land is assessed under a settlement or sub-settlement.

When only part of the land comprised in a mahál is held in severalty, the Settlement-officer shall apportion such amount to the part held in common and the part held in severalty, and shall further apportion to the several holdings the amount to which they are liable under the former apportionment.

Settlement-officer to apportion assessment over lands held in severalty;

67. When by established custom the land held by each proprietor in any mahál is subject to periodical re-distribution, the Settlement-officer may, in his discretion, on the application of the proprietors, make such redistribution according to such custom.

to re-distribute land according to custom.

Procedure in Raiyatwári Settlements.(b)

67A. (*1*) The Chief Commissioner may make rules for the assessment of land held by raiyats direct from the Government.

Assessment of raiyatwári villages.

(a) S. 65A was inserted by Act XVI of 1889, s. 17, printed *infra*, p. 278.
(b) This heading and ss. 67A-67I were inserted by Act XVI of 1889, s. 18, printed *infra*, p. 278.

(*2*). Such rules may provide for the sub-division of occupied and unoccupied land into survey-numbers, on each of which a separate assessment shall be made:

Provided that no such survey-number shall include land occupied in separate interests by more raiyats than one at the time of its formation.

(*3*) Where the lands of a village have been divided into survey-numbers on each of which a separate assessment has been made, the village may be declared by the Chief Commissioner to be a regularly settled raiyatwári village.

(*4*) The assessment made on a survey-number may be either fixed or progressive or in the form of rates chargeable according to the results of each year or harvest.

Assessment to whom to be offered.

67B. (*1*) The assessment of each survey-number in a regularly settled raiyatwári village shall in the first place be offered to the raiyat (if any) holding the survey-number.

(*2*) If such raiyat refuses to accept the assessment, he may be ejected as if for non-payment of revenue, and the assessment may be offered—

(*a*) to any co-partner of the ejected raiyat, and, if he also refuses,

(*b*) to any other person.

Assessment of unoccupied survey-numbers.

67C. A survey-number formed from unoccupied land in a regularly settled raiyatwári village may be allotted, by the Settlement-officer at the time of settlement, or by the Deputy Commissioner during the currency of the term of settlement, to any person who accepts the assessment made upon it.

Responsibility of raiyats for assessment.

67D. (*1*) A raiyat who has accepted the assessment of a survey-number in a regularly settled raiyatwari village, and his representatives and assigns, shall be responsible for the payment of the land-revenue assessed on such survey-number during the term of settlement, unless he or they has or have relinquished the survey-number by presenting at the tahsíl office a written notice of relinquishment.

(*2*) Such notice of relinquishment shall take effect from the first day of April next following the date of the presentation thereof.

Right of raiyat inheritable but not transferable.

67E. (*1*) The right of a Government raiyat in a survey-number held by him shall devolve as if it were land, but is not transferable except to a person who, if he survived the raiyat, would inherit his right, or to a co-sharer in such right, or, with the permission of the Deputy Commissioner, by a lease to a sub-tenant cultivating under the raiyat.

(*2*). The right of a raiyat in a survey-number held by him shall not be sold in execution of a decree.

(3) A raiyat is not entitled to claim partition of a survey-number, but the Deputy Commissioner may, with the previous sanction of the Chief Commissioner, partition a survey-number and apportion the assessment between the holders thereof.

(4) Nothing in this section shall affect the rights of raiyats on whom proprietary rights in survey-numbers held by them have been conferred by special orders.

Power to make rules for survey-numbers.

67F. The Chief Commissioner may make rules—

(*a*) prescribing the procedure under which unoccupied survey-numbers may be allotted to raiyats during the currency of the term of a settlement;

(*b*) providing for the appointment, in the case of survey-numbers held by two or more raiyats in co-partnership, of one of such raiyats to be primarily responsible for the payment of the land-revenue assessed on such survey-numbers;

(*c*) providing, in cases in which the assessment is in the form of rates chargeable according to the results of each year or harvest, for the manner and time in and at which the amount chargeable is to be notified to the raiyat.

Provisions of sections 55 and 56 applicable to raiyatwári settlements.

67G. The provisions of sections 55 and 56 shall, so far as they can be made applicable, apply to raiyatwári settlements made under this Act.

Land revenue now payable by raiyats to be deemed to be fixed under this Act.

XVI of 1889.

67H. The land-revenue payable at the commencement of the Central Provinces Land-revenue Act, 1889,(a) by raiyats holding survey-numbers in villages declared to be regularly settled raiyatwári villages shall be deemed to have been assessed under the provisions of this Act.

Raiyats holding Government land not included in raiyatwári village.

67I. Raiyats who hold Government land not included in a regularly settled raiyatwári village and who are not tenants within the meaning of this Act shall be liable for the payment of such land-revenue as may be assessed in accordance with rules made under this Act on the land held by them:

Provided that such a raiyat shall not be compelled to pay revenue for land which he has vacated before the first day of April next before the commencement of the agricultural year on account of which the claim for such revenue arises.

(a) Printed *infra*, p. 277.

CHAPTER VI.

OF CERTAIN INVESTIGATIONS BY THE SETTLEMENT-OFFICER AND THE PREPARATION OF THE RECORD-OF-RIGHTS.

Settlement-officer to ascertain proprietors.

68. The Settlement-officer shall ascertain the persons who are in possession as proprietors of the land comprised in each mahál.

Determination and record of sír-land.

(a)69. (*1*) The Settlement-officer shall ascertain and determine the extent of all the land held as sír-land as defined in section 4, clause (6), in each mahál, and shall record the same as sír-land, and shall also record as sír-land all land which is at the time of his inquiry cultivated by the proprietor or one of the proprietors thereof and has been so cultivated for a period of not less than twelve consecutive years:

Provided that land so cultivated shall not be recorded as sír-land if it was recorded in the papers of the last preceding settlement of the mahál in which it is situate as tenant's land, or as land held by a tenant or in terms equivalent thereto, and if by recording it as sír-land the total area of sír-land in the mahál will amount to more than a quarter of the cultivated area of the mahál.

(*2*) When a part of the land so cultivated has under this section to be omitted from the record of sír-land, the proprietor shall have the right to choose the particular fields which are to be omitted.

Settlement-officer to decide disputes among shareholders regarding management of mahál;

70. The Settlement-officer shall ascertain the customs or rules by which the proprietors in each mahál are mutually bound as to the granting of pattás, the ejectment of tenants, the realization and distribution of rents and other profits, the payment of land-revenue, village-expenses and other charges, and generally as to the control and management of the mahál; and shall decide all disputes and record all agreements regarding the matters mentioned in this section.

to determine through what lambardárs revenue shall be paid;

71. The Settlement-officer shall determine through which of the lambardárs or sub-lambardárs the amount of revenue payable by each proprietor, sub-proprietor or malik-makbúzá shall be paid.

to ascertain status and rent of tenants.

72. The Settlement-officer shall ascertain, and record for each mahál, the status of all tenants occupying land therein, the lands respectively held by them, the conditions on which they respectively hold such lands, and the rents (if any) payable by them respectively.

(a) This section was substituted for the original s. 69 by Act XVI of 1889, s. 19, printed *infra*, p. 279.

(Part III.—Of Survey and Settlement.—Chap. VI.—Of certain Investigations by the Settlement-officer and the Preparation of the Record-of-rights. Secs. 73-77.)

73. The Settlement-officer shall investigate all claims against the Government to hold land free from revenue or at less than a full assessment, or to receive the whole or part of the land-revenue assessed on land which is not free from revenue.

Enquiry into claims to hold free from revenue as against Government.

The Chief Commissioner may, with the previous sanction of the Governor General in Council, make rules determining the principles by which the Settlement-officer shall be guided in the disposal of claims coming under this section.

Power of Chief Commissioner to make rules.

74. When any land not being land which any person is entitled to hold free from revenue as against the Government is held by a proprietor, whether himself a málguzár or not, who claims to hold it wholly or partially free from revenue as against the other málgúzárs of the mahál, the Settlement-officer shall decide whether the claimant is entitled to be exempted from paying the whole or any part of the revenue which would otherwise be payable in respect of such land, and, if he decides that the claimant is so entitled, shall also determine the conditions under which, and the term for which, the claimant is entitled to such exemption:

Enquiry as to claims to hold free from revenue as against málguzárs.

Provided that no decision under this section shall exempt any land from the payment of revenue, when the mahál in which such land is comprised is sold for arrears of revenue.

The Chief Commissioner may make rules for the guidance of Settlement-officers in dealing with cases under this section.

Chief Commissioner may make rules for disposal of such cases.

75. When the Settlement-officer decides, under section 73 or section 74, that land which has been held free from revenue, or at less than a full assessment, is liable to pay revenue, or to pay the same at enhanced rates, such decision shall take effect from the first day of the agricultural year next ensuing; unless the Chief Commissioner directs that the amount payable in respect of such land on account of the revenue accruing due within any one or more of the last preceding twelve years shall be realized.

Time from which orders under sections 73 and 74 take effect.

76. The Settlement-officer shall determine and record the village-cesses, if any, which are leviable in accordance with village-custom, and the persons by and from whom, and the rates at which, they are leviable; and such cesses shall, if sanctioned by the Chief Commissioner, be leviable accordingly.

Settlement-officer to decide what village-cesses are leviable;

77. The Settlement-officer may determine disputes regarding any of the following matters (namely):—

to determine certain disputes.

(*a*) the right of any lambardár, mukaddam, patwári, village-watchman

or other village-servant to any customary dues, or other remuneration, and his liability to render any customary service in return for such dues or remuneration;

(*b*) the rights of persons resident in the village, or holding lands comprised in the mahál, in or to the common land of the mahál and its produce, and the village-site;

(*c*) any customs relating to irrigation or to rights-of-way and other easements;

(*d*) any other rights and customs which the Chief Commissioner directs to be recorded in the administration-paper.

Procedure in cases under sections 68, 69, 70, 72 and 77, clauses (*b*), (*c*) and (*d*).

78. If a dispute arises regarding any matter mentioned or referred to in sections 68, 69, 70, 72 and 77, clauses (*b*), (*c*) and (*d*), the Settlement-officer shall decide it summarily after making such enquiry as he thinks fit, and shall not be bound to hear any party to such dispute or to receive any evidence tendered by any such party; but in the case of every such dispute he shall record a proceeding stating the nature of such dispute, his decision thereon, the grounds of such decision and such other particulars as he thinks fit.

Record-of-rights.

79. The Settlement-officer shall prepare for every mahál, or, if he thinks fit, for any group of neighbouring mahále, a record-of-rights, and shall include in it—

(*a*) the results of the inquiries made under this chapter in respect of such mahál or group; and

(*b*) any other matters which the Chief Commissioner may, by rules in this behalf, direct to be entered in such paper.

Chief Commissioner may make rules regarding records-of-rights.

80. The Chief Commissioner may make rules prescribing the language in which the record-of-rights shall be drawn up, the form of the papers of which it shall consist, and the manner in which such papers shall be signed and attested by the Settlement-officer and the parties interested in the matters to which they refer.

Record-of-rights to be made over to Deputy Commissioner.

81. When the Settlement-officer has completed a record-of-rights in manner hereinbefore prescribed, he shall, subject to any order issued by the Chief Commissioner in this behalf, make it over to the Deputy Commissioner for custody.

Effect of entries in record-of-rights.

82. When the record-of-rights is duly made and attested, all entries therein shall be presumed to be correct until the contrary is shown.

Suits to contest certain settlement

83. Any person deeming himself aggrieved by any decision under section 78, or by any decision of the Chief Settlement-officer in appeal therefrom,

or by any entry made in the record-of-rights as to any matter referred to in that section, may institute a suit in the Civil Court to have such decision set aside or such entry cancelled or amended:

Decisions or entries.

Provided as follows:—

when any suit under this section is instituted for the cancellation or amendment of an entry, the Government, if it so desires, and all persons interested in the entry, shall be made parties to the suit:

no persons by whom the record-of-rights was signed, and no persons claiming through or under them, shall, without the previous sanction of the Chief Commissioner, institute any suit with a view to modify or set aside any entry relating to any matter mentioned in section 70 or section 77, clauses (*b*), (*c*) or (*d*).

Revision of record-of-rights by Chief Commissioner.

84. After an assessment has been confirmed by the Governor General in Council, the Chief Commissioner shall not exercise, in respect of any entry of the descriptions referred to in section 83 duly made in a record-of-rights prepared in connection with such assessment and duly attested, the power of revision conferred by sections 25 and 31, unless it is proved that such entry was made inadvertently.

Proceedings regarding lands the property of Government.

85. In respect of lands declared to be the property of Government, the Settlement-officer shall, instead of proceeding as hereinbefore provided, conduct such operations, and prepare such record, as the Chief Commissioner may direct.

CHAPTER VII.

Of Settlements made before this Act comes into Force.

Former settlements deemed to have been made under this Act.

86. Settlements made before this Act comes into force shall be deemed, so far as may be, to have been made hereunder; and the provisions of this Act in regard to proceedings taken and records prepared by Settlement-officers in the making of settlements hereunder shall apply in like manner to proceedings taken and records prepared before this Act comes into force.

Effect of awards of proprietary rights at such settlements.

87. When a Settlement-officer or Settlement Court has, at any settlement made before this Act comes into force, made an award of proprietary rights in any land, all claims which after consideration by such officer or Court may have been expressly decided by him or it to be invalid, or inferior to the claims of the persons in whose favour the award was made, shall be barred

both as against Government and as against the persons last mentioned; and no suit shall lie for the enforcement of such claims in any Civil Court.

The award at any such settlement of proprietary rights in land to a widow shall be deemed to confer on her those rights only which, in accordance with the personal law to which she is subject, she would enjoy in land inherited by her from her husband.

When suits for proprietary rights will lie in Civil Courts.

88. Any person whose claim to proprietary rights in any land was not expressly decided by such officer or Court may sue in a Civil Court to establish such claim; and, if he can prove that, when proprietary rights in such land were awarded by such officer or Court to other persons, he was entitled to interests therein of the same nature as those upon consideration of which the award was made, the Civil Court may declare him entitled to a proprietary right of such nature and extent in the land as it may deem just.

Chief Commissioner may allot waste-land to málik-makbúzás entitled thereto.

89. When at any settlement made before this Act comes into force málik-makbúzás have been declared entitled to a portion of the waste-lands comprised in any mahál, the Chief Commissioner may, notwithstanding anything contained in the record of such settlement, prescribe the extent of such portion and the mode in which the same shall be assigned to them; and may determine the nature and extent of their interests therein and the conditions on which they may hold it.

PART IV.

OF REVENUE-ADMINISTRATION.

CHAPTER VIII.

OF THE COLLECTION OF LAND-REVENUE.

Power of Chief Commissioner to regulate payment of land-revenue.

90. Notwithstanding anything contained in the record-of-rights of any village, the Chief Commissioner may fix the number and amount of the instalments, and the times, places and manner, at and in which land-revenue, whether payable direct to the Government or not, shall be paid.

Until the Chief Commissioner otherwise directs, all such payments shall be made on the dates, in the instalments, in the manner and at the places on, in and at which they are payable when this Act comes into force.

91. When any sum payable under a settlement or sub-settlement [a] or otherwise under an assessment made in accordance with this Act[a] is not paid within the time at which it is payable under section 90, such sum shall be deemed to be an arrear, and all the persons with whom such settlement or sub-settlement [b] or such assessment[b] was made, their representatives and assigns shall thereupon become jointly and severally liable for it, and shall be deemed to be defaulters within the meaning of this Act. "Arrear." "Defaulters."

Realization of Revenue from Málguzárs.

92. A statement of account, authenticated by the signature of the Tahsíldár, shall, for the purposes of this chapter, be conclusive evidence of the existence of any arrear payable direct to the Government, of its amount, and of the persons who in respect thereof are defaulters.[c] Tahsildar's statement of account to be conclusive evidence of arrear.

93. The Deputy Commissioner or any officer empowered by him in this behalf may, if he thinks fit, before any of the processes hereinafter referred to are issued for the recovery of such an arrear, cause a notice of demand to be served on any of the defaulters. Notice of demand.

94. An arrear payable directly to Government may be recovered by any one or more of the following processes :— Processes for recovery of arrears.

(*a*) by arresting the defaulter and imprisoning him in the civil jail;

(*b*) by attaching and selling his moveable property;

(*c*) by attaching the mahál in respect of which the arrear has accrued or the share or land of any málguzár who has not paid the portion of the revenue which, as between him and the other málguzárs, is payable by him, and taking the same mahál, share or land under direct management;

(*d*) by transferring the share or land of any málguzár who has not paid such portion to any málguzár who has paid the same, or, if every such málguzár declines to accept such share or land, to any person having a mortgage or charge upon the same, and who consents to accept it;

(*e*) by annulling the settlement of the mahál in respect of which the arrear has accrued, and taking such mahál under direct management or farming the same;

([a]-[a], [b]-[b]) These words in s. 91 were inserted by Act XVI of 1889, s. 20, printed *infra*, p. 279.

([c]) But see s. 114, *infra*, p. 149, as to payment under protest.

(*f*) by selling such mahál, or the share or land of any málguzár who has not paid the portion of the revenue aforesaid;

(*g*) by selling immoveable property belonging to the defaulter other than the land in respect of which the arrear has accrued:

(a) (*h*) in the case of a raiyat who has accepted the assessment of a survey number, by ejecting him from his holding:

Provided as follows:—

(1) the process mentioned in clause (*a*) shall not be issued against any female, minor, lunatic or idiot;

(2) the processes mentioned in clauses (*d*), (*e*), (*f*) and (*g*) shall not be enforced without the previous sanction of the Chief Commissioner;

(3) no land shall be sold, and the settlement of no land shall be annulled, on account of an arrear accruing in respect of land whilst it is under attachment, or under charge of the Superintendent of Government Wards, or held under direct management, or let in farm in accordance with any of the provisions of this Act.

The processes specified in clauses (*a*), (*b*) and (*g*) may be enforced either in the district in which the default has been made, or in any other district.(b)

Arrest and imprisonment for recovery of arrear.

95. The process mentioned in section 94, clause (*a*), may be executed by issuing a warrant directing the officer named therein, if the defaulter fails to pay the arrear by a date to be fixed in the warrant, to bring him to the tahsíl.

If, when the defaulter arrives at the tahsíl, the arrear is still unpaid, the Tahsíldár may order him to be taken before the Deputy Commissioner, or may keep him under personal restraint at the tahsíl for a period not exceeding ten days, unless within such period the arrear is paid, and may then, if the arrear is still unpaid, cause him to be taken before the Deputy Commissioner.

Imprisonment of defaulter in civil jail.

96. If the arrear is not paid when the defaulter arrives before the Deputy Commissioner, the Deputy Commissioner may issue an order to the officer in charge of the civil jail of the district, directing him to confine the defaulter in such jail for such period, not exceeding three months from the date of the order, as the Deputy Commissioner may think fit, unless within such period the arrear is paid.

Procedure.

97. Attachments and sales of moveable property made under this chapter

(a) Cl. (*h*) was inserted by Act XVI of 1889, s. 21, printed *infra*, p 279.
(b) As to procedure for enforcement in another district, see the Revenue Recovery Act, I of 1890.

shall be conducted as nearly as may be according to the law[a] for the time being in force for the attachment and sale of moveable property under the decree of a Civil Court. *in sales of moveable property.*

98. After causing any attachment to be made under section 94, clause (*c*), the Deputy Commissioner shall issue a proclamation declaring the attachment to be in force, and shall take the attached mahál, share or land under his own management, or place it under the management of any agent whom he may appoint for the purpose. *Management of mahál, share or land attached under section 94 (c).*

99. During the continuance of an attachment under section 98, the defaulters shall be excluded from possession of the land attached, and the Deputy Commissioner or the agent appointed by him shall have all their rights to manage the land and to realize the rents and profits arising therefrom, and shall be bound by all their liabilities as málguzárs or proprietors to any subordinate proprietors or tenants of such land. *Effect of attachment.*

100. The surplus profits of such land, after defraying the cost of attachment and management, shall be applied, first, to the payment of any revenue becoming due in respect of such land during the attachment, and next, to discharging the arrear for the recovery of which the attachment was made. *Profits of land how applied.*

101. The attachment shall continue until the arrear is paid or realized from the profits of the land attached, or the Deputy Commissioner reinstates the defaulters in possession: *Attachment when to cease.*

Provided that no attachment shall continue beyond five years from the first day of the agricultural year next following its commencement.

102. When it is proposed to execute the process mentioned in section 94, clause (*d*), the persons to whom the share or land in respect of which the arrear is due is to be transferred shall be required to pay such arrear, or to secure its payment to the satisfaction of the Deputy Commissioner. *Transfer under section 94 (d).*

No such transfer shall be made for a term exceeding fifteen years from the first day of the agricultural year next after the date on which it is sanctioned by the Chief Commissioner.

No proceedings taken under this section shall affect the joint and several liability of the málguzárs of the mahál for arrears accruing in respect of such mahál subsequently to the transfer of the share or land, except that, as regards all such arrears, the transferee shall stand in the place of the málguzár whose share or land is transferred. *Joint and several liability not affected by transfer.*

(a) See Act XIV of 1882, Ch. XIX. (For Act XIV of 1882, see the revised edition, as modified up to the 1st July 1888, published by the Legislative Department.)

Procedure after receipt of sanction to annulment of settlement.

103. When the Chief Commissioner sanctions the annulment of the settlement of any mahál, the Deputy Commissioner shall proclaim such annulment and may then exclude the defaulters from the possession of the mahál, and either manage the mahál or any portion thereof himself or through an agent, or let the mahál or any portion thereof in farm for such term and on such conditions as the Chief Commissioner directs:

Provided that no management or farm under this section shall continue for a longer period than fifteen years from the first day of the agricultural year next after the proclamation of annulment of settlement.

After the date of such proclamation no liabilities shall accrue under the settlement so annulled; but such annulment shall not affect anything done or any liability incurred under the settlement before such date.

Case of a portion of a mahál being managed or farmed.

104. When a portion only of the mahál is managed or let in farm under section 103, the rest of such mahál shall be separately re-settled with the proprietors thereof for the remainder of the term of settlement.

Settlement on expiry of management or farm.

105. As soon as the management or farm of any mahál or portion thereof has come to an end, the Deputy Commissioner shall offer to the persons entitled under section 49 to an offer of assessment a new assessment of the land, on such conditions as the Chief Commissioner may direct, for the remainder of the term of the settlement of the mahál; and, if such offer is refused, may, with the previous sanction of the Chief Commissioner, let such mahál or portion in farm for the remainder of the term of settlement to some other person, or manage it himself or through an agent for such period.

Effect of annulment of settlement.

106. No leases, liens or other incumbrances created by the defaulters, or by any person through or under whom they claim, of or upon any land managed or let in farm under this Act, shall, during such management or farm, be binding upon the Deputy Commissioner or Settlement-officer, his agent or lessee.

Saving of rights in sír-land.

107. No defaulter shall be deprived of the possession of his sír-land in the execution of any of the processes mentioned in section 94, clauses (*c*), (*d*) and (*e*); but every such defaulter shall, while such process is being enforced, be entitled to retain possession of, and liable to pay rent for, such land as if he were an absolute occupancy-tenant, at such rent as may be fixed by the Deputy Commissioner.

Nature of estate taken by purchaser of land sold for arrears due thereon.

108. Unless the Chief Commissioner in sanctioning the sale otherwise directs, a purchaser of any land sold for arrears of revenue due in respect thereof acquires the full proprietorship or superior or inferior proprietorship of it, as the case may be, free of all leases, liens and other incumbrances; and

all grants or contracts previously made by any person other than the purchaser in respect of such land shall become void as against such purchaser.

Nothing in this section shall—

(*a*) affect the rights of any proprietor, superior or inferior to the defaulters, or of any málik-makbúzá or occupancy-tenant, who does not derive his rights as such proprietor, málik-makbúzá or tenant from express contract with such defaulters, or any person through whom they claim; or

(*b*) apply to lands held under leases at fair rents for the erection thereon of dwelling-houses, places of worship or manufactories, or for working mines, minerals, coals and quarries, or for laying out and maintaining gardens and burial-grounds, or for constructing tanks and canals, so long as the lands continue to be used for the purposes specified in such leases respectively; or

(*c*) deprive any defaulter whose property is sold of the rights in respect to his sír-land conferred by any law for the time being in force.

The Chief Commissioner may, from time to time, determine what rents shall be deemed to be fair rents within the meaning of this section.

Rules for sale of immoveable property.

109. When immoveable property is sold under this Act, the rules prescribed in sections 287, 288, 293 and 306 to 316, both inclusive, of the Code of Civil Procedure(a) shall be followed, except in the following particulars (that is to say) :—

XIV of 1882.

(*a*) The defaulter may pay the arrear in respect of which the land is to be sold at any time before the day fixed for the sale, and on such payment the sale shall be stayed.

(*b*) The proclamation directed by the said section 287 shall, when the sale is under clause (*f*), section 94, of this Act, declare that, subject to the provisions of section 108, the full proprietorship, or superior or inferior proprietorship, as the case may be, is to be sold free from all leases, liens and other incumbrances, and the certificate mentioned in section 316 of the said Code shall contain a similar statement.

(*c*) The last two clauses of the said section 287 shall not apply.

(*d*) An appeal from any order under section 312 of the said Code for confirming or setting aside the sale shall lie to the Commissioner of

(a) These references to Act X of 1877 should now be read as applying to Act XIV of 1882—see s. 3 of the latter Act. (For Act XIV of 1882 see the revised edition, as modified up to the 1st July, 1888, published by the Legislative Department.)

the Division, and an appeal from the Commissioner's order on such appeal shall lie to the Chief Commissioner.

(*e*) The Deputy Commissioner may, from time to time, postpone any sale which he has proclaimed, reporting such postponement to the Commissioner of the Division.

(*f*) Section 309 of the said Code shall be read as if, after the words "for such payment" the words "and every sale of such property made after a postponement" were added.

(*g*) Section 313 of the said Code shall not apply to sales under section 94, clause (*f*), of this Act.

(*h*) Section 316 of the said Code shall be read as if the words "The Deputy Commissioner shall place the purchaser in possession of the lands which he has purchased" were added thereto.

Pre-emption at sales.

110. In the course of a sale under section 94, clause (*f*), if the property is knocked down to a stranger, the following persons may claim to take it at the sum last bid in the following order:—

(*a*) any málguzár who has paid the revenue which, as between him and the other málguzárs, is payable by him;

(*b*) if the superior proprietorship is sold, the inferior proprietor;

(*c*) if the inferior proprietorship is sold, the superior proprietor:

Provided that such claim is made before the officer conducting the sale closes the sitting at which the sale is held, and that the claimant undertakes to fulfil all the conditions of the sale binding on the purchaser.

Application of proceeds of sale of immoveable property.

111. The proceeds of every sale in execution of any process mentioned in section 94 shall be applied, first, in satisfaction of the arrear on account of which the sale was held and of the expenses of such sale; secondly, to the payment of any other arrear due to Government by the defaulter; and the surplus, if any, shall then be payable to him, or, where there are more defaulters than one, to such defaulters according to their respective shares in the property sold.

Costs recoverable as part of arrear.

112. The costs of serving a notice of demand under section 93 and of enforcing any process mentioned in section 94 shall be recoverable as part of the arrear in respect of which the notice was served and the process was issued.

Matters as to which Chief Commissioner may make rules.

113. The Chief Commissioner may make rules—

(*a*) for the guidance of Revenue-officers in issuing notices of demand under section 93 and executing the processes mentioned in section 94;

(*b*) defining the classes of officers by whom the processes mentioned in section 94, clauses (*a*) and (*b*), may be enforced;

(*c*) prescribing the agency by which any of the processes issued under section 94 shall be executed.

Remedies open to person denying that sum demanded as an arrear is due.

114. Notwithstanding anything contained in section 92, when proceedings are taken under this Act for the recovery of an arrear, the person against whom such proceedings are taken may, if he denies that the arrear or any part thereof is due, pay the same under protest made at the time of payment and duly signed by him or by his agent, and institute a suit in the Civil Court for the recovery of the amount which he denies to be due.

Realization of Revenue by Malguzárs.

Limitation of right to set-off, &c, in suit for arrears.

115. In a suit for the recovery of an arrear of revenue not being revenue payable directly to Government, and in a suit brought by a lambardár to recover the amount of any revenue payable to Government through him, the defendant shall not, except with the permission of the Court,—

(*a*) set off against the plaintiff's demand any sum of money recoverable by him from the plaintiff; or

(*b*) claim credit for any payment purporting to have been made on account when such payment was made before the date on which the amount thereof became due.

Recovery of arrear through Deputy Commissioner instead of by suit.

(*a*) 116. Any lambardár or sub-lambardár entitled to recover an arrear, or any málguzár to whom such an arrear is due under a sub-settlement, may, before instituting a suit for the recovery thereof, apply to the Deputy Commissioner to recover such arrear on his behalf as if it were an arrear of revenue payable directly to Government.

The Deputy Commissioner may, if he thinks fit, comply with such application, but shall, before compliance therewith, give to the persons, who would be defendants if a suit were instituted for the recovery of such arrear, opportunity to show cause against the order which he proposes to make.

The Deputy Commissioner shall not be made a defendant to any suit instituted under section 114 in respect of an arrear as to which an order has been made under this section.

No person on whose account the Deputy Commissioner proceeds under this section to recover an arrear shall thereby be relieved of his responsibility for such arrear.

(*a*) As to the application of s. 116 to recovery of contributions for patwáris, see s. 146 A (2), *infra*, p. 164.

Saving of right of málguzár to demand revenue of land assessed to revenue and held free.

117. Nothing in the Indian Limitation Act, 1877,(a) and no agreement, made after this Act comes into force, shall bar the right of the málguzárs of any mahál assessed with land-revenue to demand revenue in respect of any land which, having been taken into account in such assessment, has been held by any person without payment of revenue. XV of 1877.

The Chief Commissioner may, in his discretion, exempt any case from the operation of this section.

Limitation in suits for revenue.

118. No suit for the recovery of revenue payable under a settlement or sub-settlement shall be instituted after three years reckoned from the date on which such revenue becomes payable.

In other respects the limitation of such suits shall be governed by the Indian Limitation Act, 1877.(a) XV of 1877.

Interest on Arrears.

Interest on arrears.

119. Interest shall not be charged on an arrear of revenue unless the Chief Commissioner, by general or special order, so directs:

Provided that the Court may award interest at such rate as it thinks fit on sums payable under a sub-settlement.

CHAPTER IX.

Of Revenue and Village Records.

Correction of record-of-rights.

120. Any entry in the record-of-rights may, after such record has been made over to the Deputy Commissioner, be corrected by the Deputy Commissioner on the application of any person interested, or of his own motion. Such correction may be made on one or more of the following grounds, and on no others:—

(*a*) that all persons interested in such entry wish to have it corrected; or

(*b*) that by a decree in a suit brought under section 83 it has been declared to be erroneous; or

(*c*) that, being founded on a decree or order of a Civil Court or on the order of a Revenue or Settlement-officer, it is not in accordance with such decree or order; or

(*d*) that, being founded on such decree or order, the order or decision has

(a) Printed, General Acts, 1877-81, Ed., 1884, p. 94.

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subsequently been modified on appeal or review, or has been revised by the Chief Commissioner.

121. The Deputy Commissioner may revise a record-of-rights when such revision is provided for in such record.

Revision of record in accordance with provision therein contained.

122. When the Deputy Commissioner takes proceedings for the correction of any entry in the record-of-rights or for the revision of such record-of-rights, he shall exercise, for the purpose of such correction or revision, all the powers which the Chief Settlement-officer might have exercised if the proceedings had been taken whilst the settlement was in progress.

Powers of Deputy Commissioner as to correction of entry or revision of record.

123. The Chief Commissioner may, in his discretion, by notification in the official Gazette, direct that any specified rule, custom or condition duly entered in the record-of-rights of any specified village shall be enforced by the Government.

Power to direct that rule or custom entered in record-of-rights shall be enforced by Government.

If any of the persons with whom a settlement or sub-settlement has been made violate or neglect any rule, custom or condition with respect to which the Chief Commissioner has made a direction under this section, the Deputy Commissioner may, if no penalty is provided by any law for the time being in force for such violation or neglect, recover from such person a penalty not exceeding two hundred rupees.

Punishment of violation of such rule or custom.

124. Any person against whom proceedings have been taken under section 123 may institute a suit against Government to set aside such proceedings on the ground that no rule, custom or condition was, in fact, violated or neglected. If the Court finds that no rule, custom or condition has been violated or neglected, it may by its order annul such proceedings, and direct that any penalty paid by the plaintiff be refunded; and may also award to him such costs as he has necessarily incurred in the proceedings, and such further sum as compensation as it thinks fit.

Suit to set aside proceedings under section 123.

(*) **124A.** (*1*) When under any record-of-rights or sanad or any agreement with the Government the proprietor or the superior or inferior proprietor of any forest-land included within, or forming, a mahál is bound to manage such forest-land in accordance with rules or instructions prescribed by any Government-officer, the Chief Commissioner may make rules regarding the control and management of such forest-land.

Powers to control management of forests.

(*2*) If the proprietor or the superior or inferior proprietor, as the case may

(*) S. 124A was inserted by Act XVI of 1889, s. 22, printed *infra*, p. 279.

be, fails to observe the rules so made, the Deputy Commissioner may issue a notice calling on him to show cause, within a reasonable time to be specified in the notice, why he should not be excluded from the possession of the forest-land.

(*3*) If no sufficient cause is shown, the Deputy Commissioner may, with the previous sanction of the Chief Commissioner, exclude such proprietor from the possession of the forest-land and assume the direct management thereof for a term to be fixed by the Chief Commissioner.

(*4*) The cost of management shall be borne by the proprietor, or by the superior and inferior proprietors in such proportions as the Chief Commissioner may direct with reference to the amount of their respective interests in the forest or mahál, and shall be realizable as land-revenue.

(*5*) The profits of such forest-land while under direct management shall be paid to the proprietor, or to the superior and inferior proprietors in the proportions in which the costs of management are borne by them.

(*6*) No leases, liens, incumbrances or contracts created or made by the proprietor or by any person through or under whom he claims, of, upon or with respect to the forest-land held under direct management, shall be binding upon the Deputy Commissioner during such management.

(*7*) The Deputy Commissioner may confiscate any timber or other forest-produce cut or removed in contravention of the rules made under sub-section (*1*).

(*8*) On the expiration of the period fixed for the direct management the forest-land shall be restored to the proprietor, or superior or inferior proprietor, as the case may be.

Powers of Chief Commissioner as to registration of change as after preparation of record-of-rights.

125. The Chief Commissioner may—

(*a*) direct that the mukaddam of each village shall, for the purpose of showing the changes occurring therein [a] from time to time, [a] prepare, or, where there is a patwári, cause to be prepared, and furnish, annually for such village, papers in such form, at such time, containing such particulars, and attested in such manner, as the Chief Commissioner may, from time to time, prescribe;

(*b*) lay down the procedure to be followed in order to ascertain that a change has occurred in the village, and the nature of such change.

[a-a] These words in s. 125 (*a*) were substituted for the original words by Act XVI of 1889 s. 25, printed *infra*, p. 279.

All changes referred to in this section shall be recorded in such registers as the Chief Commissioner appoints, and not in the record-of-rights; and the Chief Commissioner may direct that, before any specified changes are recorded the order of a specified Revenue-officer shall be obtained in this behalf.

126. All persons lawfully entering into possession of proprietary rights and interests in any land shall, within a reasonable time, give notice of such entry to the Tahsíldár of the tahsíl in which such land is situated.

Possession of proprietary rights to be notified.

If any question arises whether any right or interest is a proprietary right or interest within the meaning of this section, the decision thereof by the Chief Commissioner shall be final.

If the person so entering is a minor, lunatic or idiot, the guardian or other person who has charge of his property shall give the notice required by this section.

Notice to be given by guardian in case of minority or idiotcy.

127. Any person neglecting to give the notice required by section 126 shall be liable, at the discretion of the Deputy Commissioner or Assistant Commissioner, to fine which may extend to fifty rupees for each day during which such neglect continues.

Fine for neglect to give notice of possession.

128. All persons being in possession of proprietary rights in land shall, on being so required by the Deputy Commissioner, prepare, or cause to be prepared, such papers, and furnish such information, as may be required for the preparation of the village-papers prescribed under section 125.

Obligation to aid in preparation of village-papers.

129. The Chief Commissioner may direct that fees shall be leviable when changes are recorded under the last clause of section 125, and may fix the amount of such fees.

Fees for recording changes;

All fees so leviable shall be levied from the person in whose favour the change is made.

from whom leviable.

130. The Deputy Commissioner shall in each year make enquiry regarding all cases in which land has been granted by Government, conditionally or for a time, free, wholly or in part, from the payment of revenue.

Annual enquiry regarding land held free from revenue.

If it appears to the Deputy Commissioner that the conditions of any grant have been broken by the grantee, he shall report the case through the Commissioner of the division for the orders of the Chief Commissioner, who may direct that the land be assessed, or may pass such order as he thinks fit.

Procedure on breach of conditions of grant.

If it appears to the Deputy Commissioner that the term of any such grant has expired, or (when the grant is for a life or lives) if the person last entitled to hold the land comprised in the grant, free from revenue, or at less than full revenue-rates, has died, he shall assess the same, and shall report his proceed-

Procedure on expiry of term of grant.

ings through the Commissioner of the division for the sanction of the Chief Commissioner.

Inspection of revenue-records.

131. All records kept under this Act shall be open to public inspection at such times, and on such conditions as to fees or otherwise, as the Chief Commissioner from time to time directs.

CHAPTER X.

Of certain Additional Powers and Functions of Revenue-officers.

Purposes for which, when settlement is not in progress, Deputy Commissioner shall exercise Settlement-officer's powers.

132. The Deputy Commissioner shall, when a settlement is not in progress, exercise the powers conferred by this Act on settlement-officers for the following purposes:—

(*a*) causing boundary-marks to be erected or repaired, and recovering the cost of such erection and repair;

(*b*) assessing land-revenue on lands which are liable to assessment, but have not been assessed;

(*c*) declaring any local area to be a mahál;

(*d*) settling lands from which the proprietors were excluded at settlement and to which they have been or are about to be re-admitted;

(*e*) settling mahále in respect of which an application has been made under the third proviso to section 56;

(*f*) dealing with claims to hold land wholly or partially free from revenue as against the málguzárs;

(*g*) assessing lands gained by alluvion;

(*h*) ascertaining and recording village-cesses which are levied when this Act comes into force, but have not been recorded at the settlement;

(*) (*i*) inquiring into the claims of thíkadárs, gaontias or farmers and protecting them.

Purposes for which officers may be invested with Settlement-officer's powers.

133. The Chief Commissioner may, during the currency of a settlement, invest any officer with the powers conferred on a Settlement-officer by sections 40, 41 and 42; or,

with the sanction of the Governor General in Council, with any other of the powers which are by this Act conferred on a Settlement-officer; but not so as to enable him to enhance the amount of an assessment in force under section 56.

(*) Cl. (*i*) was added by Act XVI of 1889, s. 24, printed *infra*, p. 279.

Cognizance of, and penalty for, offence of injuring boundary-marks.

134. Any person wilfully erasing, removing or damaging a boundary-mark may be ordered by the Deputy Commissioner or by a Tahsíldar or Náib Tahsíldár empowered by the Chief Commissioner in this behalf to pay to the officer making the order, in addition to any fine to which such person would be liable under section 434 of the Indian Penal Code,(a) such sum, not exceeding fifty rupees, as may in the opinion of such officer be necessary to defray the expense of restoring the same, and of rewarding the person (if any) who gave information of such erasure, removal or damage.

XLV of 1860.

Procedure when person injuring cannot be found.

135. Whenever the person erasing, removing or damaging such mark cannot be discovered, or if for any other reason it is found impracticable to recover from him the sum which he has been ordered to pay, the mark shall be re-erected or repaired at the cost of the proprietors, mortgagees or farmers (b)or, in the case of regularly settled raiyatwári villages, of the raiyats(b) of such one or more of the adjoining lands as the Deputy Commissioner thinks fit.

136. [*Partition of mahál into two maháls.*] *Repealed by Act XVI of 1889, s. 26.*

CHAPTER XA.(c)

PARTITION.

Perfect and Imperfect Partition.

Perfect and imperfect partition.

136. (*1*) Partition is either perfect or imperfect.

(*2*) Perfect partition means the division of a mahál into two or more maháls.

(*3*) Imperfect partition means the division of a mahál into two or more pattís jointly responsible for the revenue assessed on the whole mahál.

Persons entitled to imperfect partition.

136A. Any recorded co-sharer of a mahál and any person in whose favour a decree has been passed awarding to him a proprietary interest in a mahál, whether such interest consists of a fractional share in the whole mahál or a part of the mahál or of specific lands, is entitled to claim at any time imperfect partition of his share.

Persons entitled to perfect partition.

136B. Any recorded co-sharer in a mahál not being a mahál

(*a*) in the Sambalpúr district, or

(a) For Act XLV of 1860, see the revised edition, as modified up to the 1st August. 1890, published by the Legislative Department.

(b-b) These words in s. 135 were inserted by Act XVI of 1889, s. 25, printed *infra*, p. 279.

(c) Ch. XA was inserted by Act XVI of 1889, s. 26, printed *infra*, p. 279.

(*b*) held by superior and inferior proprietors and which the Chief Commissioner by rule declares to be incapable of perfect partition,

whose share, saving such part of it as may be impartible, has been completely separated from the rest of the mahál and is held by him in severalty, is entitled to claim perfect partition of his share at the time of settlement of such mahál.

Jurisdiction of Civil Courts barred as to partition.

136C. No Civil Court shall entertain any suit or application for the imperfect or perfect partition of a mahál.

Imperfect Partition.

Applications for imperfect partition to be made to Deputy Commissioner.

136D. (*1*) Applications for imperfect partition shall be made in writing to the Deputy Commissioner of the district in which the mahál is situate.

(*2*) If the mahál is situate in two or more districts, the application may be made in any one of those districts, and the partition shall be made by such one of the Deputy Commissioners of those districts as the Chief Commissioner may direct.

Procedure on receipt of application.

136E. (*1*) The Deputy Commissioner on receiving an application for imperfect partition shall, if the application be in order, and not open to objection on the face of it, publish a notification of the same at his office and at some conspicuous place on the mahál to which the application relates, and shall serve a notice on all such of the recorded co-sharers in the mahál as have not joined in the application, requiring any co-sharer in possession who may object to the partition to appear before him to state his objection either in person or by a duly authorized agent on a day to be specified in the notice, not being less than thirty or more than sixty days from the date on which such notice was issued.

(*2*) Where from any cause notice cannot be personally served on any co-sharer, the notification shall be deemed sufficient notice under this section.

Objection to partition.

136F. If on or before the day specified any objection is made to the partition by any co-sharer in possession, and the Deputy Commissioner on a consideration of such objection is of opinion that there is good and sufficient reason why the partition should be absolutely disallowed, he may refuse the application, recording the grounds of his refusal.

Objection raising question of title.

136G. (*1*) If the objection raises any question of title or of proprietary right which has not been already determined by a Court of competent jurisdiction, the Deputy Commissioner may either decline to grant the application until the question in dispute has been determined by a competent Court or may proceed to inquire into the merits of the objection.

(2) In the latter case the Deputy Commissioner, after making the necessary inquiry and taking such evidence as may be adduced, shall record a judgment declaring the nature and extent of the interests of the party or parties applying for the partition, and of any other party or parties who may be affected thereby.

(3) The procedure to be observed by the Deputy Commissioner in trying such cases shall be that laid down in the Code of Civil Procedure[a] for the trial of original suits, and he may with the consent of the parties refer any question arising in such case to arbitration, and the provisions of Chapter XXXVII of the same Code relative to arbitration shall apply to such references.

XIV of 1882.

136H. (1) All decrees and orders passed by the Deputy Commissioner under the last foregoing section deciding the rights of parties shall be held to be decrees and orders of a Court of Civil Judicature, and shall be open to appeal as if passed by the Court of the Deputy Commissioner acting as a Court of Civil Judicature of first instance under the Central Provinces Civil Courts Act, 1885.[b]

Effect of Deputy Commissioner's orders in such cases, and appeals therefrom.

XVI of 1885.

(2) Upon such appeal being made the Court of appeal may issue a precept to the Deputy Commissioner directing him to stay the partition pending the decision of the appeal.

136I. From any decree or order passed under the last foregoing section by a Commissioner sitting as a Court of appeal a second appeal shall, where a second appeal is by law allowed, lie to the Court of the Judicial Commissioner under the law for the time being in force relating to second appeals to that Court.

Second appeal in such cases.

136J. When it has been decided to make a partition under this Chapter the Deputy Commissioner may give the parties the option of making the partition themselves or of appointing arbitrators for the purpose, or he shall make the partition himself.

Option to parties to make partition themselves or appoint arbitrators.

136K. Before commencing to make the partition the Deputy Commissioner shall record a proceeding specifying the lands held in severalty, if any, and the land held in common, and laying down the principles to be followed in making the partition, with particulars of the method on which such principles are to be applied.

Proceeding to be recorded by Deputy Commissioner before making partition.

136L. (1) The pattí of each sharer shall be made as compact as possible:

Each pattí to be made as compact as possible.

(a) For Act XIV of 1882, see the revised edition, as modified up to the 1st July, 1888, published by the Legislative Department.

(b) Printed *infra*, p. 262.

Provided that, so far as may be compatible with fairness of partition, lands held in severalty shall be left in the possession of the parties holding the same.

(*2*) No partition shall be disallowed solely on the ground of incompactness.

Rule when house of one sharer is included in the pattí of another.

136M. (*1*) If in making the partition it be necessary to include in any pattí the land occupied by a dwelling-house or other building in the possession of another co-sharer, such other co-sharer shall be allowed to retain it, with any buildings thereon, on condition of his paying a reasonable ground-rent for it to the sharer into whose pattí it may fall.

(*2*) The limits of such land and the rent to be paid for it shall be fixed by the Deputy Commissioner.

Sír-land belonging to one sharer not to be included without his consent in the pattí of another sharer.

136N. (*1*) No sír-land belonging to any co-sharer shall be included in the pattí assigned on partition to another co-sharer unless with the consent of the co-sharer who cultivates it, or unless the partition cannot otherwise be conveniently carried out.

(*2*) If such land be so included and after partition such co-sharer continue to cultivate it, he shall be recorded as an occupancy-tenant in respect of such land and his rent shall be fixed by order of the Deputy Commissioner.

Rule as to tanks, wells and other irrigation-works.

136O. (*1*) Tanks, wells, water-courses and embankments shall be treated as attached to the land for the benefit of which they were originally made.

(*2*) Where, from the extent, situation or construction of such works, it is found necessary that they should continue the joint property of the proprietors of two or more of the pattís into which the mahál may be divided, the Deputy Commissioner shall determine the extent to which the proprietors of each patti may make use of the said works, and the proportion of the charges for repairs of such works to be borne by such proprietors respectively, and the manner in which the profits, if any, derived from such works shall be divided.

Rule regarding places of worship and burial-grounds.

136P. (*1*) Places of worship and burial-grounds held in common previous to the partition of a mahál shall continue to be so held unless the parties otherwise agree among themselves.

(*2*) In such cases they shall state in writing the agreement into which they have entered, and such writing shall be filed with the record.

Deputy Commissioner may dismiss case for non-payment of costs or may quash proceedings.

136Q. (*1*) If the costs to be paid by the applicant for partition are not paid within a time to be fixed by the Deputy Commissioner, the case may be dismissed.

(*2*) If at any stage of the proceedings there appears to be any reason for stopping the partition, the Deputy Commissioner may stay the partition and order the proceedings to be quashed, recording his reasons for so doing.

136R. On completion of the partition the Deputy Commissioner shall submit the proceedings to the Commissioner, who may either uphold the partition proposed or modify it or quash the proceedings; and a partition shall not take effect until it has been sanctioned by him.

Commissioner's sanction to partition necessary.

136S. (*1*) On a partition being sanctioned by the Commissioner, the Deputy Commissioner shall publish a notification of the fact at his office and at some conspicuous place in the village or villages of the mahál of which the partitioned pattís formed part.

When partition sanctioned, notification to be published.

(*2*) The partition shall take effect from the first day of the agricultural year next after the date of such notification.

Perfect Partition.

136T. (*1*) Applications for perfect partition shall be made, in such form as may be prescribed by the Chief Commissioner, to the Settlement-officer charged with the settlement of the area in which the mahál is situate.

Applications for perfect partition to be made to Settlement-officer.

(*2*) Such applications must show that the share which it is desired to have formed into a separate mahál is already held in severalty saving such portion of it as may be impartible. An application failing to show this shall be rejected.

136U. (*1*) Subject to any rules which may be made by the Chief Commissioner, the Settlement-officer, if he is satisfied of the truth of the matters stated in the application, may, if he thinks fit, declare the share to be a separate mahál and may assess it separately to land-revenue:

Settlement-officer may declare shares in mahále to be separate mahále.

Provided that no share shall be declared to be a separate mahál till the proprietors of other shares in the mahál have been given an opportunity of objecting to its perfect partition.

(*2*) Except with the sanction of the Commissioner, an incompact estate shall not be declared to be a separate mahál.

Supplemental Provisions.

136V. The Chief Commissioner may make rules regarding—

Power to make rules regarding partition-proceedings.

(*a*) the form in which applications for partition shall be made;

(*b*) the procedure to be followed in referring matters to arbitrators and in giving effect to the award of arbitrators;

(*c*) the costs of partition and the mode in which costs are to be apportioned; and,

(*d*) generally, for carrying out the provisions of this Chapter.

136W. Act XIX of 1863 (*an Act to consolidate and amend the Law relating to the partition of Estates paying revenue to Government in the North-*

Repeal of Act XIX of 1863.

(*Western Provinces of the Presidency of Fort William in Bengal*) is hereby repealed with effect from the commencement of the Central Provinces Land-revenue Act, 1889.[a] XVI of 1889.

CHAPTER XI.

VILLAGE-OFFICERS AND PATWÁRÍS.

Power to make rules as to officers.

137. The Chief Commissioner may make rules regulating the appointment, remuneration, suspension and removal of lambardárs, sub-lambardárs, [b]mukaddams and patéls :[b]

Provided that, except with the previous sanction of the Governor General in Council, proprietors, other than málik-mákbuzás, shall not be liable to pay, on account of the aggregate remuneration of lambardárs or sub-lambardárs and mukaddams, a sum exceeding five per cent. on the land-revenue which is assessed on their land, or which, when their land is free from revenue, would, in the judgment of the Deputy Commissioner, be assessed on their land if it were subject to assessment.

In framing rules for the appointment under this section of lambardárs and sub-lambardárs for any mahál, the Chief Commissioner shall have regard among other matters to local custom and hereditary claims, and to entries on the subject in the record-of-rights of such mahál.

[c]The lambardár of the village shall ordinarily also be the mukaddam. When a lambardár who does not reside in the village is appointed mukaddam thereof, he shall, subject to the approval of the Deputy Commissioner, appoint an agent to perform the duties of a mukaddam. If there are resident co-sharers in the village, the non-resident lambardár shall appoint one of them to be his agent unless the Deputy Commissioner for special reasons allows him to appoint some other person. If a mukaddam fails within a reasonable time to appoint an agent with the approval of the Deputy Commissioner, the Deputy Commissioner shall himself appoint an agent and shall fix the amount of his remuneration, which shall be paid to him by the mukaddam.

[c]An agent appointed under this section shall be deemed to have the powers conferred on, and to be responsible for the performance of the duties prescribed with regard to, mukaddams by this Act and the rules made hereunder.

(a) Printed *infra*, p. 277.

(b-b) These words in s. 137 were substituted for the original words by Act XVI of 1889, s. 27 (*1*), printed *infra*, p. 279.

(c) The last four paragraphs of s. 137 were substituted for the original paragraph by Act XVI of 1889, s. 27(*2*), printed *infra*, p. 279.

(*)Any fine imposed on such agent for a breach of the provisions of this Act or the rules made hereunder may be recovered from the mukaddam whose agent he is by the Deputy Commissioner.

(*)In a raiyatwári village the patél shall ordinarily be the mukaddam.

138. It shall be the duty of every lambardár and sub-lambardár— Duties of lambardárs.

(*a*) to collect and pay into the Government treasury so much of the land-revenue as may under section 71 be payable through him, either solely or jointly with other lambardárs or sub-lambardárs;

(*b*) to collect and pay to the mukaddam, or into the Government treasury, as the Deputy Commissioner may direct, all sums of money payable through him, either solely or jointly with other lambardárs or sub-lambardárs, by the proprietors whom he represents, on account of the remuneration of the mukaddam, patwáris or village-watchmen, or on account of any expenses which the mukaddam is authorized to recover from the lambardárs or sub-lambardárs of his village;

(*c*) to assist the mukaddam in obtaining all particulars which he is bound to enter in the annual village-papers, or to report under this Act.

139. Together with the land-revenue, lambardárs and sub-lambardárs may recover from the proprietors whom they respectively represent— Lambardárs may recover fees and other charges from proprietors.

(*a*) any remuneration to which they are entitled as such; and

(*b*) the sum which, under section 138, they are bound to pay to mukaddáms:

Provided that no such recovery shall be made from malík-makbúzás paying a percentage which includes remuneration to mukaddams and lambardárs.

140. On the application of any malík-makbúzá or other like holder of land, or of the lambardár or sub-lambardár through whom such malík-makbúzá or other holder of land pays the revenue assessed on his holding, the Deputy Commissioner may, for sufficient cause shown, order that such revenue be paid through any other lambardár or sub-lambardár, or that it be paid into the Government treasury. Deputy Commissioner may alter channel through which malík-makbúzá pays revenue.

When the Deputy Commissioner orders such payment to be made into the Government treasury, such portion of the percentage fixed under section 64 as the Deputy Commissioner, subject to the control of the Chief Commissioner, may determine, shall be so paid, and the malík-makbúzá or other person shall pay the rest to the mukaddams on account of their fees and the other village expenses. Effect of order for payment of revenue direct to Government.

(*) The last four paragraphs of s. 137 were substituted for the original paragraph by Act XVI of 1889, s. 27(2), printed *infra*, p. 279.

Duties of mukaddams.

141. It shall be the duty of every mukaddam—

(*a*) to control and superintend the village-patwárí and village-watchmen; to report their deaths or absence from duty; to maintain them in the possession of any lands appertaining to their office; to recover and pay to them any cash allowances to which they may be entitled; and to take such steps as may be necessary to compel them to perform their duties;

(*b*) to furnish reports regarding the state of his village, at such places and times as the Deputy Commissioner fixes in this behalf;

(*c*) to report and, if possible, to prevent encroachments on the public paths and roadways in his village;

(*d*) to preserve such stations and marks erected in his village by Government-surveyors as may be made over to his care;

(*e*) subject to any rules issued by the Chief Commissioner, to keep his village in good sanitary condition;

(*f*) to report violations of any rules which the Chief Commissioner may make for the preservation of underwood, forests and trees growing on the village-lands, and for securing to persons entitled to cut wood and enjoy other privileges in the waste-lands of the village the rights to which they are entitled;

(*g*) to collect, or aid in the collection of, all payments due to Government in his village;

(*h*) to report all births and deaths taking place in his village.

The Chief Commissioner may make rules—

(1) adding to the list of duties which a mukaddam is required to perform under this section; and

(2) regulating the liability of persons residing in any village for charges necessarily incurred by mukaddams in the performance of the duties specified in clause (*e*) in respect of such village, and for apportioning such charges among such persons; and

(3) determining the officers to whom reports under this section shall be made.

Liabilities imposed by law on landholders to attach to mukaddams.

142. When, by any enactment for the time being in force, any public duties are imposed on, or public liabilities are declared to attach to, landholders, their managers and agents and the like, such duties shall be deemed to be imposed on, and such liabilities shall be held to attach to, mukaddams appointed under this Act:

Provided that nothing herein contained shall discharge landholders, their

managers or agents, or the like, from any liabilities imposed upon them by law.

143. Every mukaddam may recover from the lambardárs or sub-lambardárs of the village to which he is appointed his own remuneration, together with any expenses necessarily incurred in the performance of his duties.

Power of mukaddams to recover certain expenses incurred.

(a) **143A.** It shall be the duty of every patél, in addition to his duties as mukaddam,—

Duties of patél.

(*a*) to collect and pay into the Government treasury the land-revenue assessed on the survey-numbers or holdings of his village;

(*b*) in respect of his village to report the abandonment of survey-numbers or holdings, the encroachment of raiyats on waste-land not included in their survey-numbers or holdings, and the non-payment of revenue or any facts which indicate that default will be made in the payment thereof;

(*c*) to assist the patwárí and village-watchman of his village in the recovery of dues to which they are entitled;

(*d*) to prevent the unauthorized cutting of wood in Government forests included in or adjoining his village, and to report any such unauthorized cutting in such forests.

144. The Chief Commissioner may make rules—

Chief Commissioner may make rules as to patwáris.

(b) (*a*) providing for the appointment of patwáris in tracts where they have not been already appointed;

(*b*) regulating the manner in which patwáris are to be selected; prescribing the conditions under which they may be appointed; and fixing the limits of their circles, and the nature, mode and amount of their remuneration;

(*c*) prescribing the conditions under which substitutes may be appointed for persons having hereditary claims to the office of patwárí, when such persons are unable to act;

(*d*) prescribing the fines which may be imposed on patwáris and their substitutes for neglect of their duty, and stating the circumstances under which they may be suspended or removed.

145. [*Rules by Chief Commissioner for guidance of Deputy Commissioners.*] *Repealed by Act XVI of 1889, s. 30.*

(a) S. 143A was inserted by Act XVI of 1889, s 28, printed *infra*, p. 279.

(b) Cl. (*a*) of s. 144 was inserted by Act XVI of 1889, s. 29, printed *infra*, p. 279. The proviso, which was repealed by that section, has been omitted.

Chief Commissioner may define duties of patwáris.

146. The Chief Commissioner may make rules prescribing the duties of patwáris—

(*a*) towards the Government; and may in such rules determine the registers, returns or other papers which they shall keep or furnish, the forms and language in which such registers and returns are to be prepared, the mode of their preparation and attestation, and the dates on which they are to be furnished;

(*b*) towards the members of the village-community.[c]

Patwáris' papers to be public documents.

All records and papers which patwáris are required to prepare or keep by any rule made by the Chief Commissioner under this section shall be deemed to be public documents within the meaning of the Indian Evidence Act, 1872, [b] and to be the property of Government. I of 1872.

Power to fix amount to be paid by proprietors, tenants and raiyats for patwáris.

[c]**146A.** (*1*) The Chief Commissioner shall fix the nature and amount of the contributions to be made by proprietors and tenants in every mahál or in any specified local area and by raiyats in every raiyatwári village towards the remuneration of patwáris and the defraying of any charges incurred on account of the proper supervision, maintenance and correction of the patwáris' records, and may direct that any or all of such contributions be paid into the Government treasury through the lambardár of the mahál, or the patél:

Provided that, except with the previous sanction of the Governor General in Council, no proprietor shall be compelled to contribute under this section a sum exceeding six per cent. on the revenue for the time being assessed on his land, or which, when his land is wholly or partially free from revenue, would in the judgment of the Deputy Commissioner be assessable on his land if it were liable to a full assessment.

(*2*) The contributions fixed under sub-section (*1*) may be recovered in the same manner as an arrear of revenue payable directly to the Government, and the provisions of section 116 shall be applicable in the case of a lambardár or patél through whom the contributions are payable.

Patwáris to produce papers for inspection, and to allow copies to be made.

147. Patwáris shall produce at all reasonable times, for the inspection of all persons interested therein, all records and papers which they are so required [d] to prepare or keep, and shall allow such persons to make copies of such records and papers.

(a) The words repealed by Act XVI of 1889, s. 31 (printed *infra*, p. 280), have been omitted from s. 146, cl. (*b*).

(b) Printed, General Acts, 1867-76, Ed., 1887, p. 249.

(c) S. 146A was inserted by Act XVI of 1889, s. 32, printed *infra*, p. 280.

(d) *i.e.*, by s. 146.

Power to make rules regarding village-watchmen.

[a]**147A.** The Chief Commissioner may make rules regarding village-watchmen, and may in the rules—

(*a*) provide for and regulate their appointment, suspension or removal, prescribing the number of village-watchmen who may hold office at one time in a single village, and providing for the appointment of a single village-watchman for two or more villages where such villages would be unable to support separate village-watchmen;

(*b*) determine the character and amount of the remuneration which village-watchmen shall be entitled to demand from the members of the village-community;

(*c*) define the duties and the mode of supervision of village-watchmen.

Existing officers confirmed.

148. All existing lambardárs, sub-lambardárs, mukaddams, [b]patwáris and village-watchmen[b] shall, unless the Chief Commissioner in any specified case otherwise directs, be deemed to have been appointed under this Act.

Lambardárs' and other officers' dues recoverable as arrears.

149. Any sums which lambardárs, sub-lambardárs, mukaddams [c]and village-watchmen[c] are entitled to recover or demand under this chapter may, if the Deputy Commissioner so directs, be recovered in the same manner as an arrear of revenue payable directly to the Government.

Holders of sír-land in Sambalpúr to provide for remuneration of mukaddams.

150. In each village of the district of Sambalpúr all persons holding sír-land, other than mukaddams, are bound to provide for the due remuneration of the mukaddam of the village; and the Chief Commissioner may make rules for the enforcement of this obligation.

PART V.

CHAPTER XII.

MISCELLANEOUS.

Right to mines.

151. Unless it is otherwise expressly provided in the records of a settlement or by the terms of a grant made by the Government, the right to all

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[a] S. 147A was inserted by Act XVI of 1889, s. 33, printed *infra*, p. 280.

[b-b] These words in s. 148 were substituted for the original words by Act XVI of 1889, s. 34, printed *infra*, p. 280.

[c-c] These words in s. 149 were substituted for the original words by Act XVI of 1889, s. 35, printed *infra*, p. 280.

quarries and fisheries.

mines, minerals, coals and quarries, and to all fisheries in navigable rivers,(a) shall be deemed to belong to Government, and the Government shall have all powers necessary for the proper enjoyment of such rights:

Provided that, whenever in the exercise by the Government of the rights herein referred to over any land the rights of any persons are infringed by the occupation or disturbance of the surface of such land, the Government shall pay to such persons compensation for such infringement, and the amount of such compensation shall be determined as nearly as may be in accordance with the provisions of the Land-acquisition Act, 1870.(b) X of 1870.

Exclusive jurisdiction of Revenue-authorities.

152. Except as otherwise hereinbefore provided,—

(*a*) no Civil Court shall entertain any suit instituted, or application made, to obtain a decision or order on any matter which the Governor General in Council, the Chief Commissioner or a Revenue or Settlement-officer is, by this Act, empowered to determine or dispose of; and in particular

Matters excepted from jurisdiction of Civil Courts.

(*b*) no Civil Court shall exercise jurisdiction over any of the following matters:—

(1) any matters provided for in sections 40, 41, 42 and 89, as to waste-lands:

(2) the claim of any person to have an assessment offered to, or sub-settlement made with, him:

(3) the amount of revenue or rate to be assessed on any mahál, share or portion of a mahál under this or any other Act for the time being in force:

(4) questions as to the validity of any engagement with Government for the payment of land-revenue, or of any agreement entered into by superior or inferior proprietors in a settlement or sub-settlement:

(5) claims connected with or arising out of any process enforced on account of refusal to accept the assessment offered in a settlement or sub-settlement by the Settlement-officer or Deputy Commissioner:

(6) the amount of the allowance or rent fixed under section 61 or 62:

(7) the re-distribution according to established custom, by a Settlement-officer, of land comprised in a mahál:

(a) The words repealed by Act XVI of 1889, s. 36 (printed *infra*, p. 280), have been omitted from s. 151.

(b) Printed, General Acts, 1867-76, Ed. 1887, p. 249.

(8) the formation of the record-of-rights,
the preparation, signing or attestation of any of the documents contained therein, or
the notification of settlement:

(9) any matters provided for or referred to in sections 73, 74 or 130 as to lands held or claimed to be held free from revenue, except rights arising under any contract between the Government of India and grantees of land:

(10) claims connected with, or arising out of, the collection of revenue, or any process enforced on account of an arrear of revenue, or on account of any sum which is under this or any other Act realizable as revenue:

(11) claims to set aside, on any ground other than fraud, sales for arrears of revenue:

(12) corrections of entries or revisions of records under sections 120, 121 and 122:

([a])(13) questions connected with, or arising out of, the exclusion of a proprietor from forest-land, and the direct management of such land under section 124A;

([a])(13*a*) the distribution of the land or allotment of the revenue of a mahál by partition; or the determination of the rent to be paid by a co-sharer for land held by him after the partition in the mahál or the pattí of another co-sharer;

(14) claims to the office of patwárí, lambardár, sub-lambardár, ([b])mukaddam, patél or village-watchman,([b]) or in respect of any injury caused by exclusion therefrom, or to compel the performance of the duties thereof:

(15) claims to compel the performance of any duties imposed by this Act on any Revenue or Settlement-officer.

In all the above cases jurisdiction shall rest with the Revenue-authorities only.

153. No suit shall lie in any Civil or Revenue Court for the recovery of any village-cess which has not been sanctioned by the Chief Commissioner and also either recorded at a settlement or under section 132, clause (*k*). For what village-cesses suit lies.

154. Whenever, at any settlement made before this Act comes into force, Limitation of claims for compensation in case of

([a]) Cls. (13) and (13*a*) were substituted for the original cl. (13) by Act XVI of 1889, s. 37, printed *infra*, p. 280.

([b-b]) These words in cl. (14) were substituted for the original words by Act XVI of 1889, s. 38, printed *infra*, p. 280.

waste-land demarcated as property of Government.

waste-lands have been demarcated as the property of Government, no claim of any person to, or in respect of, such lands shall be entertained by any Civil Court after the expiration of three years from the date of such demarcation.

Restriction on Revenue and Settlement-officers trading and holding land.

155. No Revenue or Settlement-officer, and no person employed in any Revenue or Settlement office, shall, except with the express permission of the Chief Commissioner,—

(*a*) engage in trade, or be in any way concerned, directly or indirectly, in any commercial transaction, or in the purchase or hiring of land, in the district to which he is appointed, or in which he is employed;

(*b*) purchase or bid for, either in person or by agent, in his own name or in that of another, or jointly or in shares with others, any property which may be sold by order of any Revenue-authority in such district.

The Chief Commissioner may delegate to Commissioners of divisions or to Deputy Commissioners the power of granting the permission mentioned in this section in the case of any specified class of officers.

Nothing in this section shall be deemed to preclude any person from becoming a member of a company incorporated under the Indian Companies Act, 1882.(a) VI of 1882.

When mahál managed or farmed, or upon proclamation under section 98 or 103, rent payable to Deputy Commissioner.

Payment to proprietor in anticipation of due date.

156. When any mahál is managed or let in farm under section 57 or 58, or when either of the proclamations mentioned in sections 98 and 103 has been made, all sums due to the proprietor in respect of the mahál, share or land mentioned in any of the said sections shall be payable only to the Deputy Commissioner or Settlement-officer, his agent or lessee; and no payment made to such proprietor in anticipation of the usual period for such payment shall, without the sanction of the Deputy Commissioner or Settlement-officer, be credited to the person making the same in account with the Deputy Commissioner or Settlement-officer, his agent or lessee.

Recovery of balances due by farmers.

157. When any land has been let in farm, under the provisions of this Act, any revenue due from the farmer in respect of such land may be recovered from him or his surety as an arrear of revenue payable directly to Government.

Recovery of revenue due when Act comes into

158. All land-revenue due when this Act comes into force, and all penalties or other moneys payable to, or recoverable by, an officer of Government under this Act, shall be recovered from the persons from whom they are due

(a) The reference in s. 155 to the Indian Companies Act, 1866, has been altered in accordance with Act VI of 1882, s. 2 (printed, General Acts, 1882, Pt. I, Ed. 1885, p. 100).

and from the sureties (if any) of such persons as if such land-revenue, penalties or moneys were an arrear of revenue payable directly to Government due under this Act by such persons and their sureties.

force; and of money payable under Act.

159. All proceedings taken before this Act comes into force for the collection of the land-revenue or the realization of arrears thereof shall be deemed to have been taken in accordance with law.

Past proceedings for collection of revenue legalized.

160. In conferring powers under this Act the Chief Commissioner may empower persons by name or classes of officials generally by their official titles.

Chief Commissioner may empower persons by name, or confer powers on classes.

161. The Chief Commissioner may vary or cancel any order conferring powers under this Act.

Chief Commissioner may vary or cancel orders.

(a)**161A.** Any mukaddam or agent of a mukaddam who, without reasonable excuse, fails to perform any duty imposed on him by this Act or the rules made thereunder, or abuses any of the powers conferred upon him by this Act or any such rule, shall be punishable with fine which may extend to fifty rupees, and, in the case of a continuing failure, to a fine of ten rupees for each day during which the failure continues.

Penalty for failure to perform duty or abuse of authority by mukaddam or agent.

(a)**161B.** Any person who neglects or disobeys a reasonable order made by a mukaddam or agent of a mukaddam in pursuance of the duty imposed upon him by section 141, clause (*e*), shall be punishable with fine which may extend to twenty rupees, and, if the neglect or disobedience is continued, shall also be liable to a fine of five rupees for each day during which the neglect or disobedience is continued.

Penalty for neglecting or disobeying orders of mukaddam or agent.

162. The Chief Commissioner may, with the previous sanction of the Governor General in Council, make rules consistent with this Act for carrying out its provisions, and may attach to the breach of any such rule, or of any other rule made by him under this Act, a penalty which may extend to two hundred rupees, or, when such breach is a continuing breach, to fifty rupees for each day during which such breach continues.

Chief Commissioner may make rules and attach penalty to breach thereof.

All powers to make rules conferred by this Act on the Chief Commissioner shall be exercised subject to the control of the Governor General in Council, and may be exercised from time to time as occasion requires.

No rule made by the Chief Commissioner under this Act shall take effect until it has been published in the local official Gazette.

All such rules, when so published, shall have the force of law.

(a) Ss. 161A and 161B were inserted by Act XVI of 1889, s. 39, printed *infra*, p. 280.

SCHEDULE.

(*See section 2.*)

ENACTMENTS REPEALED.

Number and year.	Title.	Extent of repeal.
Act XII of 1841	For amending the Bengal Code in regard to sales of land for arrears of revenue.	So much as has not been repealed.
Act I of 1847	For the establishment and maintenance of boundary-marks in the North-Western Provinces of Bengal.	The whole.
Act XXXI of 1858	To make further provision for the settlement of land gained by alluvion in the Presidency of Fort William in Bengal.	The whole.

THE EXCISE ACT, 1881.

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ACT No. XXII OF 1881.

Received the assent of the Governor General on the 26th October, 1881.

An Act to amend the law relating to the Excise-revenue in Northern India, British Burma[a] and Coorg.

WHEREAS it is expedient to amend the law in force in Northern India, British Burma[a] and Coorg relating to the production, sale, possession and import of spirit, fermented liquors and intoxicating drugs, and the collection of the revenue derived therefrom; It is hereby enacted as follows:— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called the Excise Act, 1881: Short title.

It extends to the territories administered respectively by the Lieutenant-Governors of the North-Western Provinces and the Punjab and the Chief Commissioners of Oudh, the Central Provinces, British Burma,[a] Coorg, and Ajmere and Merwára; and Local extent.

It shall come into force on the first day of January, 1882. Commencement.

X o 1871. 2. On and from that day the Excise Act, 1871, shall be repealed, but all rules made, powers conferred and licenses and farms granted under that Act and in force on the same day shall be deemed to have been respectively made, conferred and granted under this Act. Repeal of Excise Act, 1871.

3. In this Act— Interpretation-clause.

(*a*) "Chief Revenue-authority" means— "Chief Revenue-authority":

in the territories administered by the Lieutenant-Governor of the North-Western Provinces[b] and the Chief Commissioner of Oudh[b]—the Board of Revenue;

[c]in the territories respectively administered by the Lieutenant-Governor of the Punjab and the Chief Commissioner of Burma[c]—the Financial Commissioner; and

in the territories respectively administered by the Chief Commissioners of[d] the Central Provinces,[e] Coorg, and Ajmere and Merwára—the Chief Commissioner:

(a) These references to British Burma should now be read as referring to Lower Burma—see Act XX of 1886, s. 4, printed, Burma Code, Ed 1889, p. 364.

(b-b) These words in s. 3 (*a*) were inserted by Act XX of 1890, s. 43 (*1*).

(c-c) These words in s. 3 (*a*) were substituted for the original words by Act XVIII of 1888, s. 7, printed, Burma Code, Ed. 1889, p. 76.

(d) The word "Oudh" in s. 3 (*a*), which was repealed by Act XX of 1890, s. 43 (*1*), has been omitted.

(e) The words "British Burma" in s. 3 (*a*), which were repealed by Act XVIII of 1888, s. 7, have been omitted.

"Collector":

(*b*) "Collector" includes any Revenue-officer in independent charge of a district and any officer appointed by the Local Government to discharge, throughout any specified local area, the functions of a Collector under this Act:

"Commissioner of revenue":

"Commissioner of Revenue" means any officer appointed by the Local Government to discharge, throughout any specified local area, the functions of a Commissioner of Revenue under this Act:

"Magistrate":

(*c*) "Magistrate" means any Magistrate exercising powers not less than those of a Magistrate of the second class, or any Magistrate of the third class specially authorized in this behalf by the Magistrate of the district: [a]

"Place":

(*d*) "place" includes also house, boat and raft:

"Tárí":

(*e*) "tárí" means the sap of any kind of palm-tree:

"Fermented liquor":

(*f*) "fermented liquor" means malt liquor, wine, pachwai and fermented tárí, and, in any provision of this Act, shall, if the Local Government, subject to the control of the Governor General in Council, so directs, include any other fermented liquor, and also tárí though it may not have perceptibly begun to ferment:

"Spirit":

(*g*) "spirit" means any liquor containing alcohol obtained by distillation:

"Intoxicating drugs":

(*h*) the expression "intoxicating drugs" means gánja, bhang, charas, and every preparation and admixture of the same:

"Tola":

(*i*) "tola" means a weight of one hundred and eighty grains Troy:

"Ser":

(*j*) "ser" means a weight of eighty tolas:

"Retail":

(*k*) the articles next hereinafter mentioned shall be deemed to be sold retail within the meaning of this Act when sold in quantities not exceeding those next hereinafter specified in respect of them, that is to say,—

foreign spirit or foreign fermented liquor, two imperial gallons or twelve reputed quart bottles;

country spirit, one ser, and in Burma[b] one reputed quart bottle;

country fermented liquor, four sers, and in Burma[b] four reputed quart bottles;

bhang, or any preparation or admixture thereof, one quarter of a ser;

gánja or charas, or any preparation or admixture thereof, five tolas:

Wholesale.

If sold in larger quantities they shall be deemed to be sold wholesale.

(a) *Read* District Magistrate—see Act X of 1882, s. 3.

(b) "Burma" was substituted for "British Burma" in s. 3, cl. (*k*), by Act XVIII of 1888, s. 7, printed, Burma Code, Ed. 1889, p. 76.

In any case in which doubt arises the Local Government may decide what for the purposes of this Act shall be deemed to be "country spirit," "country fermented liquor," "foreign spirit" and "foreign fermented liquor"; and such decision shall be binding on the Courts.

"Country spirit": "Country fermented liquor": "Foreign spirit": "Foreign fermented liquor."

4. Nothing herein contained shall affect Act No. XVI of 1863[a] (*to make special provision for the levy of the Excise Duty payable on Spirits used exclusively in Arts and Manufactures or in Chemistry*) or the Cantonments Act, 1889.[b]

Saving of Acts XVI of 1863 and XIII of 1889.

XIII of 1889.

CHAPTER II.

Production of Spirit, Fermented Liquor and Intoxicating Drugs.

5. No person shall construct, work or possess a distillery, still or brewery, or manufacture fermented liquor, in any district except under a license granted by the Collector or by a person authorised by the Collector to grant such license, and in accordance with the conditions (if any) contained therein.

Manufacture of spirit and liquor without license prohibited.

6. The Collector may, with the previous sanction of the Chief Revenue-authority, from time to time,—

Power to establish distilleries for country spirit.

(*a*) establish at any place within his district a distillery in which country spirit may be made, and discontinue any distillery so established;

(*b*) fix limits within his district within which no such spirit, unless made in the said distillery, shall be introduced without a pass from him.

7. No spirit shall be removed from any distillery licensed under section 5 or established under section 6, until—

Duty on spirit.

[c] (*a*) such duty as the Local Government may, from time to time, fix in respect of such spirit has been paid, or

(*b*) a bond for such duty has been executed, or

(*c*) a duty in respect of the materials used in making such spirit has been levied at such rates and in such manner as the Local Government, with the previous sanction of the Governor General in Council, may from time to time direct.

(a) Printed, General Acts, 1834-66, Ed., 1887, p. 382.

(b) The reference to Act III of 1880 has been altered in accordance with Act XIII of 1889, s. 2 (3).

(c) This clause was substituted for the original cl. (*a*) of s. 7 by Act IX of 1885, s. 2. The duty fixed before the 29th May, 1885, under s. 6 of the Indian Tariff Act, XI of 1882, is to be deemed to be the duty fixed by the Local Government under s. 7 of Act XXII of 1881—see Act IX of 1885, s. 4, in General Acts, 1885-88, Ed. 1889, p. 5.

Duty on fermented liquor.

(a)**7A.** No fermented liquor shall be removed from a brewery licensed under section 5 until—

(*a*) duty has been paid thereon at the rate for the time being leviable under the Indian Tariff Act, 1882,(b) on like liquor imported by sea into any part of British India except Aden and Perim, or at such lower rate as the Local Government, having regard to the circumstances of the brewery or of the local area in which the brewery is situate, may from time to time prescribe, or XI of 1882.

(*b*) a bond for such duty has been executed.

Power to make rules as to distilleries and breweries licensed under section 5;

(c)**8.** The Chief Revenue-authority may, from time to time, make rules as to—

(*a*) the granting of licenses for distilleries, stills and breweries under section 5;

(*b*) the notices to be given by the proprietor of a licensed distillery or licensed brewery when he commences and discontinues work;

(*c*) the size and description of the stills in such distillery;

(*d*) the storing and passing out of the spirit made in such distillery, or of the fermented liquor made in such brewery, and the contents of the passes;

(*e*) the inspection and examination of such distillery or brewery and the warehouses connected therewith, and of the spirit or fermented liquor made and stored therein;

(*f*) the furnishing of statements of the spirit and the stills, coppers, casks and other utensils in such distillery, or of the fermented liquor and the mashtuns, underbacks, wort-receivers, coppers, heating tanks, coolers, and collecting, fermenting and other vessels in such brewery.

and for distilleries established under section 6.

9. The Chief Revenue-authority may, from time to time, make rules as to—

(*a*) the management of distilleries established under section 6, and in particular as to the conditions on which any materials to be used in making spirit may be brought into such distillery;

(*b*) the conditions on which spirit may be made in such distilleries; and

(*c*) the storing and passing out of the spirit so made, and the contents of the passes.

(a) S. 7A was inserted by Act XIII of 1890, s. 2.

(b) For Act XI of 1882, see the revised edition, as modified up to the 1st June, 1890, published by the Legislative Department.

(c) This section was substituted for the original s. 8 by Act XIII of 1890, s. 3.

(*Chap. II.—Production of Spirit, Fermented Liquor and Intoxicating Drugs. Secs. 10-11. Chap. III.—Sale of Spirit, Fermented Liquor and Intoxicating Drugs. Sec. 12.*)

10. Except in the territories respectively administered by the Chief Commissioners of[a] the Central Provinces,[b] Coorg and Ajmere and Merwara, the sanction of the Local Government is required to validate rules under sections 8 and 9.

Sanction to rules under sections 8 and 9.

11. In Burma,[c] the cultivation of hemp and the preparation of intoxicating drugs therefrom are prohibited except under, and in accordance with, a license granted by such officer as the Chief Commissioner may from time to time appoint in this behalf.

Production of intoxicating drugs.

In the other territories to which this Act extends, the Chief Revenue-authority may, from time to time, make such rules to restrict and regulate the cultivation of hemp and the preparation of intoxicating drugs therefrom as it may deem necessary to secure the duty leviable in respect of those drugs.

CHAPTER III.

Sale of Spirit, Fermented Liquor and Intoxicating Drugs.

12. No spirit, fermented liquor or intoxicating drug shall be sold except under, and in accordance with the terms of, a license granted under the provisions hereinafter contained:

Spirit, fermented liquor and drugs not to be sold without license.

Provided as follows—

Proviso.

(*a*) nothing in this section applies to the sale of any foreign spirit or foreign fermented liquor legally procured by any person for his private use and sold by him or by auction on his behalf or on behalf of his representatives in interest upon his quitting a station or after his decease;

(*b*) any officer empowered in this behalf by the Chief Revenue-authority may grant to travelling merchants, subject to such rules and restrictions as such authority may from time to time prescribe, a general license authorizing them to sell foreign spirit and foreign fermented liquor wholesale in any district which they may visit in the course of their travels, without taking out a fresh license for that district;

(a) The word "Oudh" in s. 10, which was repealed by Act XX of 1890, s. 43 (2), has been omitted.

(b) The words "British Burma" in s. 10, which were repealed by Act XVIII of 1888, s. 7, have been omitted.

(c) "Burma" was substituted for "British Burma" in s. 11 by Act XVIII of 1888, s. 7, printed, Burma Code, Ed. 1889, p. 76.

(*c*) any person making or producing country spirit or country fermented liquor, in accordance with the provisions of this Act, may, subject to any rules from time to time made by the Local Government in this behalf, sell such spirit or liquor to any person licensed under this Act as a retail vendor of such spirit or liquor;

(*d*) any cultivator of the hemp plant may sell any intoxicating drug prepared from his plants to any person licensed under this Act to sell the same, or to any person authorised to purchase the same by the Collector's order in writing.

Licenses how granted.

13. Subject to the rules made by the Chief Controlling Revenue-authority[a] under the power hereinafter conferred, the Collector may grant licenses for the sale of foreign spirit and foreign fermented liquor, wholesale or retail, and for the retail sale of country spirit or country fermented liquor, and (except in Burma [b]) of intoxicating drugs, within his district or any part thereof or at any place therein.

Licenses for the sale of country spirit and country fermented liquor and intoxicating drugs, wholesale, and licenses for the sale, in Burma, [b] of intoxicating drugs, retail, shall be granted only by such officer as the Local Government from time to time appoints in this behalf.

Power to cancel license for cause specified therein.

Any license granted under this section may be cancelled by the Collector for any cause specified therein.

Power to cancel license for other causes.

14. Whenever the Collector considers that the license of a vendor of country spirit, country fermented liquor or intoxicating drugs should be cancelled for any cause other than those specified in such license, he shall remit a sum equal to the amount of the license-fee for fifteen days and shall either give fifteen days' previous notice of his intention to cancel the license, or shall, in addition to remitting such sum as aforesaid, make such compensation for default of notice as the Commissioner of Revenue or Chief Revenue-authority directs.

On the expiration of such notice or the payment of such additional compensation, the Collector may cancel the said license.

Surrender of retail license.

15. Any retail vendor licensed under this Act may surrender his license on the expiration of one month's previous notice given by him to the Collector of his intention to surrender the same, and on payment of such sum, not exceed-

(a) *Sic. Read* Chief Revenue-authority.

(b) "Burma" was substituted for "British Burma" in s. 13 by Act XVIII of 1888, s. 7, printed, Burma Code, Ed. 1889, p. 76.

ing the amount of the license-fee for six months, as the Collector may fix in this behalf.

If the Collector is satisfied that there is a sufficient reason for surrendering a license, he may remit the sum so fixed.

16. The Collector may, with the sanction of the Chief Revenue-authority, let in farm— Power to farm fees.

(*a*) the fees leviable in any district or part of a district on licenses for the retail sale of any description of country spirit or country fermented liquor or (except in Burma [a]) of intoxicating drugs:

(*b*) the right to manufacture, in any district or part of a district in which no distillery is established under section 6, country spirit or country fermented liquor.

When the fees so leviable or the right to manufacture such spirit or liquor, or both, are or is let in farm, the farmer may, subject to such reservations or restrictions as the Collector, with the sanction of the Chief Revenue-authority, may from time to time make or impose, grant licenses for the retail sale, or for the manufacture, or for both, as the case may be, of such articles within the local limits of his farm, and shall file in the Collector's office a list of all the licenses granted by him in such form and on such day or days in each year as the Chief Revenue-authority may, from time to time, prescribe in this behalf. Farmer to grant licenses. List of licenses granted by farmer to be filed.

17. The Collector may, with the sanction of the Chief Revenue-authority, cancel any farm granted under this Act. Farm may be cancelled.

18. If any such farm be cancelled for any cause other than a breach on the part of the farmer of the conditions of the farm, or if any reservation or restriction with respect to the grant of licenses be made or imposed within the term of the farm, the farmer shall be entitled to receive for any loss which he sustains thereby such compensation as the Chief Revenue-authority may determine. Compensation to farmers in certain cases.

19. Every farmer under this Act may use the same means and processes for the recovery of any arrear of fees due to him from any retail vendor as may be lawfully used by the local land-holders for the recovery of arrears of rent due to them from their tenants. Recovery of arrears by farmers.

20. The Chief Revenue-authority may, from time to time, make rules to regulate the mode in which tárí shall be supplied to licensed vendors of the Power to regulate supply of tárí

(a) "Burma" was substituted for "British Burma" in s. 16 (*a*) by Act XVIII of 1888, s. 7, printed, Burma Code, Ed 1889, p. 76.

and intoxicating drugs to licensed vendors.

same, and the grant of licenses or passes to persons possessing or transporting intoxicating drugs for the supply of the licensed vendors of such drugs.

CHAPTER IV.

POSSESSION OF SPIRIT, FERMENTED LIQUOR AND INTOXICATING DRUGS.

Possession of spirit, &c.

21. No person shall have in his possession any quantity of any spirit or fermented liquor larger than that specified in section 3, clause (*k*), in respect of such spirit or liquor, unless he is permitted to manufacture or sell the same, or he holds a pass therefor from the Collector or from some other officer empowered by the Local Government to grant such passes.

Proviso.

Nothing in this section extends to—

(*a*) any foreign spirit or foreign fermented liquor in the possession of any common carrier or warehouseman as such, or purchased by any person for his private use and not for sale, or

(*b*) tárí intended to be used for the manufacture of gur or molasses.

Possession of intoxicating drugs.

22. In Burma[a] no person shall have in his possession any intoxicating drugs except under, and in accordance with the terms of, a general exemption granted by the Chief Commissioner, or a license granted by such officer as the Chief Commissioner may, from time to time, appoint in this behalf.

In the other territories to which this Act extends, no person shall have in his possession any larger quantity of such drugs than that specified in section 3, clause (*k*), in respect of such drugs, unless he is permitted to manufacture or sell the same.

CHAPTER V.

IMPORT OF SPIRIT [b] AND FERMENTED LIQUOR.[b]

Spirit and fermented liquor from foreign territory subject to duty.

[c]**23.** (*1*) A person shall not bring into any territory to which this Act extends any spirit manufactured at any place in India beyond the limits of British India, until he has obtained a pass therefor from such officer as the Local Government from time to time appoints in this behalf, and has paid in respect thereof—

(*a*) if the Local Government has fixed a duty under clause (*a*) of section

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(a) "Burma" was substituted for "British Burma" in s. 22 by Act XVIII of 1888, s. 7, printed, Burma Code, Ed. 1889, p. 76.

(b-b) The addition of these words in the heading to Chap. V is necessitated by the amendments made by Act II of 1887.

(c) This section was substituted for the original s. 23 by Act II of 1887, s. 5, printed, General Acts, 1885-88, Ed. 1889, p. 120.

7 for like spirit manufactured in the part of the territory into which the spirit is to be brought, that duty, or

(*b*) if the Local Government has not fixed a duty under that clause for like spirit manufactured in that part, a duty at such rate as the Local Government from time to time prescribes in this behalf, not exceeding the highest rate leviable, under the law for the time being in force, on spirit imported into British India by sea.

(*2*) The provisions of sub-section (*1*) with respect to spirit shall apply to fermented liquor also, with this modification that the duty to be paid in respect of the liquor shall be the duty leviable on like liquor under the Indian Tariff Act, 1882[a]; [b]or such lower duty as the Local Government, having regard to the rate or rates of duty for the time being leviable under clause (*a*) of section 7A, may from time to time prescribe.[b]

XI of 1882.

(*3*) If any question arises as to the duty to be charged on any spirit or fermented liquor under this section, the decision of the Local Government thereon shall be final.

CHAPTER VI.

Officers and their Powers.

24. The Collector may appoint persons, by name or by virtue of their office, to be officers for the collection of the excise-revenue and for the prevention of offences against this Act; and the officers so appointed shall, in addition to their ordinary designations (if any), be styled Excise-officers.

Collectors may appoint Excise-officers.

25. The Collector may recover any amount due to the Government under this Act or the rules made hereunder, by distress and sale of the moveable property of the person from whom such amount is due or of his surety, or by any other process for the time being in force for the recovery of arrears of land-revenue due from landholders or from farmers of land or their sureties.

Recovery of arrears of fees.

26. Any Excise-officer may enter and inspect at any time by day or by night the shop or premises in which any manufacturer or vendor licensed under this Act carries on the manufacture of country spirit, or the sale of country spirit, country fermented liquor or intoxicating drugs.

Power of Excise-officers to inspect shops;

27. Any Excise-officer may stop and detain any person carrying any spirit, fermented liquor or intoxicating drug liable to confiscation under this Act;

to arrest persons carrying spirit, &c., liable to confiscation;

and may seize such spirit, liquor or drug, together with any vessels,

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(a) For Act XI of 1882, see the revised edition, as modified up to the 1st June, 1890, published by the Legislative Department.

(b-b) These words, &c., in s. 23 (*2*) were added by Act XIII of 1890, s. 4.

packages or coverings in which it is contained, and any animals and conveyances used in carrying it;

and may also arrest the person in whose possession such spirit, liquor or drug is found.

to arrest persons in possession of article liable to confiscation, and to seize article;

28. Any Excise-officer in the receipt of a monthly salary of not less than ten rupees ([a]) or who receives an annual remuneration equivalent to such salary ([a]) may arrest any person having in his possession any article liable to confiscation under this Act, or engaged in the unlawful sale of any spirit, fermented liquor or intoxicating drug, and may seize such article, spirit, liquor or drug.

to search on information of illicit manufacture or possession.

29. Whenever any Excise-officer in receipt of such monthly salary([b]) or annual remuneration ([b]) as aforesaid has reason to believe, from information given by any person (which information shall be taken down in writing), that in any place spirit is unlawfully manufactured, or any article liable to confiscation under this Act is kept or concealed,

such officer may, after sunrise and before sunset (but always in the presence of an officer of police in the receipt of a monthly salary of not less than ten rupees ([c])unless the Excise-officer is himself such an officer of police,([c]) enter into such place,

and in case of resistance may break open any door and force and remove any other obstacle to such entry, and may seize and carry away such spirit or article,

and may also arrest the occupier of the place, with all other persons concerned in the manufacture of such spirit or in the keeping and concealing of such article.

Collector may issue warrant of arrest in certain cases.

30. The Collector may issue his warrant for the arrest of any person whom he has reason to believe, either from information in writing, or from the proceedings in any other case under this Act or any other law, to be engaged in the unlawful sale of spirit or fermented liquor or intoxicating drugs, or to have in his possession any article liable to confiscation under this Act.

Collector may issue search-warrant.

31. The Collector may issue his warrant for the search of any place in which he has reason to believe, either from information in writing, or from the proceedings in any other case under this Act or any other law, that spirit is unlawfully manufactured, or that any spirit, fermented liquor or intoxicating drug liable to confiscation under this Act is kept or concealed.

Such warrant may be executed by any Excise-officer in the receipt of a monthly salary of not less then ten rupees, at the time and in the manner prescribed in section 29.

([a-a]) These words in s. 28 were inserted by Act VI of 1885, s. 1, printed *infra*, p. 260.
([b-b]), ([c-c]) These words in s. 29 were inserted by Act VI of 1885, s. 2, printed *infra*, p. 260.

Whenever the Collector thinks that the search should be made after sunset and before sunrise on any particular day, he shall issue a warrant specially authorizing the search to be so made. Such warrant may be executed by any Excise-officer as aforesaid in the manner prescribed in section 29, and shall cease to be in force at sunrise on the day next following.

Special warrant authorizing search at night.

32. Whenever an Excise-officer arrests any person, or seizes any article liable to confiscation under this Act,

or enters any place for the purpose of searching for any such article,

he shall, within twenty-four hours thereafter, make a full report of all the particulars of such arrest, seizure or search, to his official superior, and, unless acting under the warrant of the Collector, shall take the person arrested, or the article seized, with all convenient despatch to the Magistrate for trial or adjudication.

Excise-officer to report arrest, &c.; and to take person arrested to Magistrate.

33. Whenever any person is arrested or any article is seized under the warrant of a Collector issued under this Act, the officer making such arrest or seizure shall, within twenty-four hours thereafter, take the person arrested, or the article seized, to the Collector, and the Collector, after such enquiry as he thinks necessary, shall send such person or article to the nearest Magistrate, or shall order the immediate discharge of such person or the release of such article.

Procedure after arrest or seizure.

34. All Police-officers are required to aid the Excise-officers in the due execution of this Act, upon request made by such officers.

Police to aid Excise-officers.

(a) **34A.** The Local Government may, from time to time, invest either by name or in virtue of his office—

(*a*) any Police-officer with the powers conferred on Excise-officers by section 27 of this Act;

(*b*) any Police-officer in charge of a station or any Police-officer of or above the grade of head-constable or sergeant with the powers conferred on Excise-officers by sections 28 and 29 of this Act.

Every officer so invested shall, for all purposes connected with the exercise of these powers, be deemed to be an Excise-officer within the meaning of this Act.

Power to invest Police-officers with powers of Excise-officers.

CHAPTER VII.

PENALTIES.

35. Whoever in contravention of section 5 constructs, works or possesses

For illegally manufacturing spirit or liquor.

(a) S. 34A was inserted by Act VI of 1885, s. 3, printed *infra*, p. 260.

a distillery, still or brewery, or makes fermented liquor, shall be punished with imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both;

and all spirit and liquor made in contravention of section 5, and all materials and implements collected for the purpose of such manufacture, shall be liable to confiscation.

For illegally introducing country spirit.

For illegally removing spirit or fermented liquor.

For illegally importing spirit or fermented liquor.

36. Any person who—

(*a*) without a special pass from the Collector, introduces, into the limits fixed for the consumption of spirit made at a distillery established under section 6, any country spirit manufactured at another place, or

(*b*) in contravention of section 7 [a]or section 7A[a] or of any rule made under section 8 or section 9 removes any spirit from a distillery [b]or any fermented liquor from a brewery,[b] or

(*c*) in contravention of section 23 brings any spirit [c]or fermented liquor[c] into any territory to which this Act extends,

shall be punished with imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both;

and the spirit, [d]or fermented liquor,[d] together with the vessels containing the same, and any animals and conveyances used in carrying it, shall be liable to confiscation.

For contravening rules prescribed by Chief Revenue-authority.

37. Any person who, except in cases herein otherwise provided for, wilfully contravenes any rule made under section 8 or section 9 shall be punished with fine not exceeding one hundred rupees.

For illegally cultivating hemp and preparing drugs.

38. Any person who, in contravention of section 11 or of any rule made thereunder, cultivates hemp or prepares any intoxicating drug, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

For illicit sale of spirit, &c.

39. Any person who, in contravention of section 12, sells any spirit, fermented liquor or intoxicating drug, shall be punished with imprisonment for a term which may extend to four months, or with a fine which may extend to one thousand rupees, or with both.

For permitting drunkenness, &c., in shop.

40. Any person licensed to sell retail spirit, or fermented liquor, or intoxicating drugs, who permits drunkenness, riot or gaming in his shop, or permits persons of notoriously bad character to meet or remain therein, or

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[a-a], [b-b] These words, &c., in s. 36, cl. (*b*), were inserted by Act XIII of 1890, s. 5.

[c-c] These words in s. 36, cl. (*c*), were inserted by Act II of 1887, s. 6 (*1*), printed, General Acts, 1885-88, Ed. 1889, p. 120.

[d-d] These words in s. 36 were inserted by Act II of 1887, s. 6 (*2*), printed, General Acts, 1885-88, Ed. 1889, p. 120.

receives any wearing apparel or other effects in barter for spirit, fermented liquor or intoxicating drugs, shall be punished with fine which may extend to two hundred rupees.

Illegal possession of spirit, liquor or drug.

41. Any person who possesses any spirit, liquor or drug, in contravention of section 21 or section 22, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both;

and the spirit, liquor or drug, together with any vessels, packages and coverings in which it is contained, and any animals and conveyances used in carrying it, shall be liable to confiscation.

For refusal to produce license and for breach of rules and conditions.

42. Any person holding a license under this Act and refusing to produce the same on the demand of any Excise-officer, and any person who breaks any rule made under this Act or any condition of a license granted under this Act, for the breach of which rule or condition no other penalty is hereby provided, shall be punished with fine which may extend to fifty rupees.

For conniving at illicit manufacture or sale of spirit, &c.

43. Any owner or occupier of land, and any agent of any such owner or occupier, who authorizes or connives at the illegal manufacture of spirit or the sale of spirit or fermented liquor or intoxicating drugs, shall for every such offence be punished with imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both.

And any person invested with local jurisdiction who authorizes or connives at the illegal sale of any spirit, fermented liquor or intoxicating drug within the local limits of such jurisdiction shall be punished with fine which may extend to five hundred rupees.

For Police neglecting to aid Excise-officers.

44. Any Police-officer who, without lawful excuse, neglects or refuses to aid an Excise-officer as required by section 34, and any officer in charge of a Police-station who, on application made by an Excise-officer desiring to act under section 29, fails to attend a search himself, or to depute a subordinate officer of the required rank, shall be punished with fine which may extend to five hundred rupees.

For vexatious search or seizure.

45. Any Excise-officer who—

(*a*) without reasonable grounds of suspicion searches or causes to be searched any place, or

(*b*) vexatiously and unnecessarily seizes the moveable property of any person on the pretence of seizing or searching for any article liable to confiscation under this Act, or

(*c*) vexatiously and unnecessarily arrests any person, or

(*d*) commits any other excess not required for the execution of his duty,

shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

For delay in reporting arrest, &c., or in taking person arrested to Magistrate.

46. Any Excise-officer who, in contravention of section 32 or section 33, neglects to report the particulars of an arrest, seizure or search, or delays taking to the Magistrate or Collector, as the case may be, any person arrested or any article seized under this Act, shall be punished with fine which may extend to two hundred rupees.

Prosecutions restricted.

(a)47. A Court shall not take cognizance of an offence punishable under any one of the following sections, namely, 35, 36, 37, 38, 39, 41, 42 and 43, except on the complaint or report of the Collector or an Excise-officer; and a Court shall not take cognizance of any offence punishable under this Act unless the prosecution is instituted before the expiry of six months next after the commission of such offence.

Confinement in what jail.

48. Every person imprisoned for an offence under section 37 or section 42 shall be confined in the civil jail, and every person imprisoned for an offence under any other section shall be confined in the criminal jail.

Attempts and abetment.

49. Whoever attempts to commit any offence punishable under this Act or abets within the meaning of the Indian Penal Code(b) the commission of any such offence shall be punished with the punishment provided for such offence. XLV of 1860.

Disposal of fines, &c., as rewards.

50. Any Magistrate before whom any person is convicted of any offence under sections 35, 36, 37, 38, 39, 41 or 43 may award to any person who has contributed in any way to such conviction the whole or any portion of any fine imposed upon the offender and paid by him or realized from his property.

Magistrate to pass order of confiscation.

51. Any article liable to confiscation under this Act may, on the application of an Excise-officer, be confiscated by the order of any Magistrate within the local limits of whose jurisdiction it is found.

CHAPTER VIII.

MILITARY CANTONMENTS.

Manufacture and sale of spirits, &c., in military cantonments.

52. Within the limits of any military cantonment, and within such distance from those limits as the Local Government in any case prescribes, no licenses for the manufacture of spirit, or for the sale of spirit or fermented

(a) This section was substituted for the original s. 47 by Act VI of 1885, s. 4, printed *infra*, p. 260.

(b) See Act XLV of 1860, Ch. V. (For Act XLV of 1860, see the revised edition, as modified up to the 1st August, 1890, published by the Legislative Department.)

liquor, shall be granted, nor shall the fees leviable on licenses for the retail sale of such spirit or liquor, or the right to manufacture such spirit or liquor, be let in farm, unless with the knowledge and consent of the Commanding Officer;

and upon his requisition any such license which has been granted, either by the Collector or by a farmer, within such distance or limits shall be immediately cancelled.

53. In all other respects the provisions of this Act shall have effect within such limits or distance.[a] Application of Act to military cantonments.

CHAPTER IX.

MISCELLANEOUS.

54. The Collector shall in all proceedings under this Act be subject to the control of the Commissioner of Revenue, and all orders passed by a Collector under this Act shall be appealable to such Commissioner in manner provided by the rules for the time being in force relating to appeals from the orders of Collectors. Collector subject to control of Commissioner.

The Chief Revenue-authority may revise any order passed by a Collector under this Act or by a Commissioner under this section.

55. The Chief Controlling Revenue-authority[b] may, from time to time make rules consistent with this Act— Additional power to make rules.

(*a*) as to the period for which any license or farm under this Act shall be granted;

(*b*) as to the fee payable for any such license or farm, and the time or times at which it shall be payable;

(*c*) as to the security to be given by any licensee or farmer under this Act;

(*d*) as to the form of any license or farming lease and of the counterpart thereof (if any) to be taken from such licensee or farmer, and the conditions which may be inserted therein;

(*e*) as to the disposal of things confiscated under this Act;

(*f*) as to the duties of Excise-officers; and

(*g*) to provide generally for carrying out the provisions of this Act.

56. The Local Government may, from time to time, by notification in the official Gazette, exempt[c] within any specified local area any specified articles or any specified class of persons from all or any of the foregoing provisions of this Act, and may, by like notification, cancel any such exemption. Power to exempt articles and persons.

(a) The proviso to s. 53, which was repealed by Act XIII of 1889, has been omitted.
(b) *Sic. Read* Chief Revenue-authority.
(c) For an exemption in the Central Provinces, see Appendix I.

THE INDIAN EASEMENTS ACT, 1882.

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ACT No. V OF 1882.

Received the assent of the Governor General on the 17th February, 1882.

An Act to define and amend the law relating to Easements and Licenses.

Preamble.

WHEREAS it is expedient to define and amend the law relating to Easements and Licenses; It is hereby enacted as follows:—

PRELIMINARY.

Short title.

1. This Act may be called the Indian Easements Act, 1882.

Local extent.

It extends to the territories respectively administered by the Governor of Madras in Council and the Chief Commissioners of the Central Provinces and Coorg;

Commencement.

And it shall come into force on the first day of July, 1882.

Savings.

2. Nothing herein contained shall be deemed to affect any law not hereby expressly repealed; or to derogate from—

(*a*) any right of the Government to regulate the collection, retention and distribution of the water of rivers and streams flowing in natural channels, and of natural lakes and ponds, or of the water flowing, collected, retained or distributed in or by any channel or other work constructed at the public expense for irrigation;

(*b*) any customary or other right (not being a license) in or over immove-

able property which the Government, the public or any person may possess irrespective of other immoveable property; or

(*c*) any right acquired, or arising out of a relation created, before this Act comes into force.

XV of 1877. 3. Sections 26 and 27 of the Indian Limitation Act, 1877,(a) and the definition of "easement" contained in that Act, are repealed in the territories to which this Act extends. All references in any Act or Regulation to the said sections, or to sections 27 and 28 of Act No. IX of 1871, shall, in such territories, be read as made to sections 15 and 16 of this Act. Repeal of parts of the Indian Limitation Act, 1877.

CHAPTER I.

Of Easements generally.

4. An easement is a right which the owner or occupier of certain land possesses, as such, for the beneficial enjoyment of that land, to do and continue to do something, or to prevent and continue to prevent something being done, in or upon, or in respect of, certain other land not his own. "Easement" defined.

The land for the beneficial enjoyment of which the right exists is called the dominant heritage, and the owner or occupier thereof the dominant owner; the land on which the liability is imposed is called the servient heritage, and the owner or occupier thereof the servient owner. Dominant and servient heritages and owners.

Explanation.—In the first and second clauses of this section, the expression "land" includes also things permanently attached to the earth: the expression "beneficial enjoyment" includes also possible convenience, remote advantage, and even a mere amenity; and the expression "to do something" includes removal and appropriation by the dominant owner, for the beneficial enjoyment of the dominant heritage, of any part of the soil of the servient heritage or anything growing or subsisting thereon.

Illustrations.

(*a*) A, as the owner of a certain house, has a right of way thither over his neighbour B's land for purposes connected with the beneficial enjoyment of the house. This is an easement.

(*b*) A, as the owner of a certain house, has the right to go on his neighbour B's land, and to take water for the purposes of his household out of a spring therein. This is an easement.

(*c*) A, as the owner of a certain house, has the right to conduct water from B's stream to supply the fountains in the garden attached to the house. This is an easement.

(*d*) A, as the owner of a certain house and farm, has the right to graze a certain number

(a) Printed, General Acts, 1877-81, Ed. 1884, pp. 100 and 101.

of his own cattle on B's field, or to take, for the purpose of being used in the house, by himself, his family, guests, lodgers and servants, water or fish out of C's tank, or timber out of D's wood, or to use, for the purpose of manuring his land, the leaves which have fallen from the trees on E's land. These are easements.

(*e*) A dedicates to the public the right to occupy the surface of certain land for the purpose of passing and re-passing. This right is not an easement.

(*f*) A is bound to cleanse a watercourse running through his land and keep it free from obstruction for the benefit of B, a lower riparian owner. This is not an easement.

Continuous and discontinuous, apparent and non-apparent, easements.

5. Easements are either continuous or discontinuous, apparent or non-apparent.

A continuous easement is one whose enjoyment is, or may be, continual without the act of man.

A discontinuous easement is one that needs the act of man for its enjoyment.

An apparent easement is one the existence of which is shown by some permanent sign which, upon careful inspection by a competent person, would be visible to him.

A non-apparent easement is one that has no such sign.

Illustrations.

(*a*) A right annexed to B's house to receive light by windows without obstruction by his neighbour A. This is a continuous easement.

(*b*) A right of way annexed to A's house over B's land. This is a discontinuous easement.

(*c*) Rights annexed to A's land to lead water thither across B's land by an aqueduct and to draw off water thence by a drain. The drain would be discovered upon careful inspection by a person conversant with such matters. These are apparent easements.

(*d*) A right annexed to A's house to prevent B from building on his own land. This is a non-apparent easement.

Easement for limited time or on condition.

6. An easement may be permanent, or for a term of years or other limited period, or subject to periodical interruption, or exercisable only at a certain place, or at certain times, or between certain hours, or for a particular purpose, or on condition that it shall commence or become void or voidable on the happening of a specified event or the performance or non-performance of a specified act.

Easements restrictive of certain rights.

7. Easements are restrictions of one or other of the following rights (namely) :—

Exclusive right to enjoy.

(*a*) the exclusive right of every owner of immoveable property (subject to any law for the time being in force) to enjoy and dispose of the same and all products thereof and accessions thereto.

(*b* the right of every owner of immoveable property (subject to any law for the time being in force) to enjoy without disturbance by another the natural advantages arising from its situation.

Rights to advantages arising from situation.

Illustrations of the Rights above referred to.

(*a*) The exclusive right of every owner of land in a town to build on such land, subject to any municipal law for the time being in force.

(*b*) The right of every owner of land that the air passing thereto shall not be unreasonably polluted by other persons.

(*c*) The right of every owner of a house that his physical comfort shall not be interfered with materially and unreasonably by noise or vibration caused by any other person.

(*d*) The right of every owner of land to so much light and air as pass vertically thereto.

(*e*) The right of every owner of land that such land, in its natural condition, shall have the support naturally rendered by the subjacent and adjacent soil of another person.

Explanation.—Land is in its natural condition when it is not excavated and not subjected to artificial pressure; and the "subjacent and adjacent soil" mentioned in this illustration means such soil only as in its natural condition would support the dominant heritage in its natural condition.

(*f*) The right of every owner of land that, within his own limits, the water which naturally passes or percolates by, over or through his land shall not, before so passing or percolating, be unreasonably polluted by other persons.

(*g*) The right of every owner of land to collect and dispose within his own limits of all water under the land which does not pass in a defined channel and all water on its surface which does not pass in a defined channel.

(*h*) The right of every owner of land that the water of every natural stream which passes by, through or over his land in a defined natural channel shall be allowed by other persons to flow within such owner's limits without interruption and without material alteration in quantity, direction, force or temperature; the right of every owner of land abutting on a natural lake or pond, into or out of which a natural stream flows, that the water of such lake or pond shall be allowed by other persons to remain within such owner's limits without material alteration in quantity or temperature.

(*i*) The right of every owner of upper land that water naturally rising in, or falling on, such land, and not passing in defined channels, shall be allowed by the owner of adjacent lower land to run naturally thereto.

(*j*) The right of every owner of land abutting on a natural stream, lake or pond to use and consume its water for drinking, household purposes and watering his cattle and sheep; and the right of every such owner to use and consume the water for irrigating such land, and for the purposes of any manufactory situate thereon, provided that he does not thereby cause material injury to other like owners.

Explanation.—A natural stream is a stream, whether permanent or intermittent, tidal or tideless, on the surface of land or underground, which flows by the operation of nature only and in a natural and known course.

CHAPTER II.

THE IMPOSITION, ACQUISITION AND TRANSFER OF EASEMENTS.

Who may impose easements.

8. An easement may be imposed by any one in the circumstances, and to the extent, in and to which he may transfer his interest in the heritage on which the liability is to be imposed.

Illustrations.

(*a*) A is tenant of B's land under a lease for an unexpired term of twenty years, and has power to transfer his interest under the lease. A may impose an easement on the land to continue during the time that the lease exists or for any shorter period.

(*b*) A is tenant for his life of certain land with remainder to B absolutely. A cannot, unless with B's consent, impose an easement thereon which will continue after the determination of his life-interest.

(*c*) A, B and C are co-owners of certain land. A cannot, without the consent of B and C, impose an easement on the land or on any part thereof.

(*d*) A and B are lessees of the same lessor, A of a field X for a term of five years, and B of a field Y for a term of ten years. A's interest under his lease is transferable ; B's is not. A may impose on X, in favour of B, a right of way terminable with A's lease.

Servient owners.

9. Subject to the provisions of section 8, a servient owner may impose on the servient heritage any easement that does not lessen the utility of the existing easement. But he cannot, without the consent of the dominant owner, impose an easement on the servient heritage which would lessen such utility.

Illustrations.

(*a*) A has, in respect of his mill, a right to the uninterrupted flow thereto, from sunrise to noon, of the water of B's stream. B may grant to C the right to divert the water of the stream from noon to sunset : provided that A's supply is not thereby diminished.

(*b*) A has, in respect of his house, a right of way over B's land. B may grant to C, as the owner of a neighbouring farm, the right to feed his cattle on the grass growing on the way ; provided that A's right of way is not thereby obstructed.

Lessor and mortgagor.

10. Subject to the provisions of section 8, a lessor may impose, on the property leased, any easement that does not derogate from the rights of the lessee as such, and a mortgagor may impose, on the property mortgaged, any easement that does not render the security insufficient. But a lessor or mortgagor cannot, without the consent of the lessee or mortgagee, impose any other easement on such property, unless it be to take effect on the termination of the lease or the redemption of the mortgage.

Explanation.—A security is insufficient within the meaning of this section unless the value of the mortgaged property exceeds by one-third, or, if consisting of buildings, exceeds by one-half, the amount for the time being due on the mortgage.

11. No lessee or other person having a derivative interest may impose on the property, held by him as such, an easement to take effect after the expiration of his own interest, or in derogation of the right of the lessor or the superior proprietor. Lessee.

12. An easement may be acquired by the owner of the immoveable property for the beneficial enjoyment of which the right is created, or, on his behalf, by any person in possession of the same. Who may acquire easements.

One of two or more co-owners of immoveable property may, as such, with or without the consent of the other or others, acquire an easement for the beneficial enjoyment of such property.

No lessee of immoveable property can acquire, for the beneficial enjoyment of other immoveable property of his own, an easement in or over the property comprised in his lease.

13. Where one person transfers or bequeaths immoveable property to another,— Easements of necessity and *quasi* easements.

(*a*) if an easement in other immoveable property of the transferor or testator is necessary for enjoying the subject of the transfer or bequest, the transferee or legatee shall be entitled to such easement; or

(*b*) if such an easement is apparent and continuous and necessary for enjoying the said subject as it was enjoyed when the transfer or bequest took effect, the transferee or legatee shall, unless a different intention is expressed or necessarily implied, be entitled to such easement:

(*c*) if an easement in the subject of the transfer or bequest is necessary for enjoying other immoveable property of the transferor or testator, the transferor or the legal representative of the testator shall be entitled to such easement; or

(*d*) if such an easement is apparent and continuous and necessary for enjoying the said property as it was enjoyed when the transfer or bequest took effect, the transferor, or the legal representative of the testator, shall, unless a different intention is expressed or necessarily implied, be entitled to such easement.

Where a partition is made of the joint property of several persons,—

(*e*) if an easement over the share of one of them is necessary for enjoying the share of another of them, the latter shall be entitled to such easement, or

(*f*) if such an easement is apparent and continuous and necessary for enjoying the share of the latter as it was enjoyed when the partition

took effect, he shall, unless a different intention is expressed or necessarily implied, be entitled to such easement.

The easements mentioned in this section, clauses (*a*), (*c*) and (*e*), are called easements of necessity.

Where immoveable property passes by operation of law, the persons from and to whom it so passes are, for the purpose of this section, to be deemed, respectively, the transferor and transferee.

Illustrations.

(*a*) A sells to a field then used for agricultural purposes only. It is inaccessible except by passing over A's adjoining land or by trespassing on the land of a stranger. B is entitled to a right of way, for agriculture purposes only, over A's adjoining land to the field sold.

(*b*) A, the owner of two fields, sells one to B, and retains the other. The field retained was at the date of the sale used for agricultural purposes only and is inaccessible except by passing over the field sold to B. A is entitled to a right of way, for agricultural purposes only, over B's field to the field retained.

(*c*) A sells B a house with windows overlooking A's land, which A retains. The light which passes over A's land to the windows is necessary for enjoying the house as it was enjoyed when the sale took effect. B is entitled to the light, and A cannot afterwards obstruct it by building on his land.

(*d*) A sells B a house with windows overlooking A's land. The light passing over A's land to the windows is necessary for enjoying the house as it was enjoyed when the sale took effect. Afterwards A sells the land to C. Here C cannot obstruct the light by building on the land, for he takes it subject to the burdens to which it was subject in A's hands.

(*e*) A is the owner of a house and adjoining land. The house has windows overlooking the land. A simultaneously sells the house to B and the land to C. The light passing over the land is necessary for enjoying the house as it was enjoyed when the sale took effect. Here A impliedly grants B a right to the light, and C takes the land subject to the restriction that he may not build so as to obstruct such light.

(*f*) A is the owner of a house and adjoining land. The house has windows overlooking the land. A, retaining the house, sells the land to B, without expressly reserving any easement. The light passing over the land is necessary for enjoying the house as it was enjoyed when the sale took effect. A is entitled to the light, and B cannot build on the land so as to obstruct such light.

(*g*) A, the owner of a house, sells B a factory built on adjoining land. B is entitled, as against A, to pollute the air, when necessary, with smoke and vapours from the factory.

(*h*) A, the owner of two adjoining houses, Y and Z, sells Y to B, and retains Z. B is entitled to the benefit of all the gutters and drains common to the two houses and necessary for enjoying Y as it was enjoyed when the sale took effect, and A is entitled to the benefit of all the gutters and drains common to the two houses and necessary for enjoying Z as it was enjoyed when the sale took effect.

(*i*) A, the owner of two adjoining buildings, sells one to B, retaining the other. B is entitled to a right to lateral support from A's building, and A is entitled to a right to lateral support from B's building.

(*i*) A, the owner of two adjoining buildings, sells one to B, and the other to C. C is entitled to lateral support from B's building, and B is entitled to lateral support from C's building.

(*k*) A grants lands to B for the purpose of building a house thereon. B is entitled to such amount of lateral and subjacent support from A's land as is necessary for the safety of the house.

X of 1870. (*l*) Under the Land-acquisition Act, 1870[a], a Railway Company compulsorily acquires a portion of B's land for the purpose of making a siding. The Company is entitled to such amount of lateral support from B's adjoining land as is essential for the safety of the siding.

(*m*) Owing to the partition of joint property, A becomes the owner of an upper room in a building, and B becomes the owner of the portion of the building immediately beneath it. A is entitled to such amount of vertical support from B's portion as is essential for the safety of the upper room.

(*n*) A lets a house and grounds to B for a particular business. B has no access to them other than by crossing A's land. B is entitled to a right of way over that land suitable to the business to be carried on by B in the house and grounds.

Direction of way of necessity.

14. When right[b] to a way of necessity is created under section 13, the transferor, the legal representative of the testator, or the owner of the share over which the right is exercised, as the case may be, is entitled to set out the way; but it must be reasonably convenient for the dominant owner.

When the person so entitled to set out the way refuses or neglects to do so, the dominant owner may set it out.

Acquisition by prescription.

15. Where the access and use of light or air to and for any building have been peaceably enjoyed therewith, as an easement, without interruption, and for twenty years,

and where support from one person's land, or things affixed thereto, has been peaceably received by another person's land subjected to artificial pressure, or by things affixed thereto, as an easement, without interruption, and for twenty years,

and where a right of way or any other easement has been peaceably and openly enjoyed by any person claiming title thereto, as an easement, and as of right, without interruption, and for twenty years,

the right to such access and use of light or air, support or other easement shall be absolute.

Each of the said periods of twenty years shall be taken to be a period ending within two years next before the institution of the suit wherein the claim to which such period relates is contested.

(a) Printed, General Acts, 1867-76, Ed. 1887, p. 177.

(b) *Sic. Read* a right.

Explanation I.—Nothing is an enjoyment within the meaning of this section when it has been had in pursuance of an agreement with the owner or occupier of the property over which the right is claimed, and it is apparent from the agreement that such right has not been granted as an easement, or, if granted as an easement, that it has been granted for a limited period, or subject to a condition on the fulfilment of which it is to cease.

Explanation II.—Nothing is an interruption within the meaning of this section unless where there is an actual cessation of the enjoyment by reason of an obstruction by the act of some person other than the claimant, and unless such obstruction is submitted to or acquiesced in for one year after the claimant has notice thereof and of the person making or authorizing the same to be made.

Explanation III.—Suspension of enjoyment in pursuance of a contract between the dominant and servient owners is not an interruption within the meaning of this section.

Explanation IV.—In the case of an easement to pollute water, the said period of twenty years begins when the pollution first prejudices perceptibly the servient heritage.

When the property over which a right is claimed under this section belongs to Government, this section shall be read as if, for the words "twenty years" the words "sixty years" were substituted.

Illustrations.

(*a*) A suit is brought in 1883 for obstructing a right of way. The defendant admits the obstruction, but denies the right of way. The plaintiff proves that the right was peaceably and openly enjoyed by him, claiming title thereto as an easement and as of right, without interruption, from 1st January, 1862, to 1st January, 1882. The plaintiff is entitled to judgment.

(*b*) In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that for a year of that time the plaintiff was entitled to possession of the servient heritage as lessee thereof and enjoyed the right as such lessee. The suit shall be dismissed, for the right of way has not been enjoyed "as an easement" for twenty years.

(*c*) In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that the plaintiff on one occasion during the twenty years had admitted that the user was not of right and asked his leave to enjoy the right. The suit shall be dismissed, for the right of way has not been enjoyed "as of right" for twenty years.

Exclusion in favour of reversioner

16. Provided that, when any land upon, over or from which any easement has been enjoyed or derived has been held under or by virtue of any interest

for life or any term of years exceeding three years from the granting thereof, the time of the enjoyment of such easement during the continuance of such interest or term shall be excluded in the computation of the said last-mentioned period of twenty years, in case the claim is, within three years next after the determination of such interest or term, resisted by the person entitled, on such determination, to the said land. of servient heritage.

Illustration.

A sues for a declaration that he is entitled to a right of way over B's land. A proves that he has enjoyed the right for twenty-five years; but B shows that during ten of these years C had a life-interest in the land; that on C's death B became entitled to the land; and that within two years after C's death he contested A's claim to the right. The suit must be dismissed, as A, with reference to the provisions of this section, has only proved enjoyment for fifteen years.

17. Easements acquired under section 15 are said to be acquired by prescription, and are called prescriptive rights. Rights which cannot be acquired by prescription.

None of the following rights can be so acquired :—

(*a*) a right which would tend to the total destruction of the subject of the right, or the property on which, if the acquisition were made, liability would be imposed;

(*b*) a right to the free passage of light or air to an open space of ground;

(*c*) a right to surface-water not flowing in a stream and not permanently collected in a pool, tank or otherwise;

(*d*) a right to underground water not passing in a defined channel.

18. An easement may be acquired in virtue of a local custom. Such easements are called customary easements. Customary easements.

Illustrations.

(*a*) By the custom of a certain village every cultivator of village land is entitled, as such, to graze his cattle on the common pasture. A having become the tenant of a plot of uncultivated land in the village breaks up and cultivates that plot. He thereby acquires an easement to graze his cattle in accordance with the custom.

(*b*) By the custom of a certain town no owner or occupier of a house can open a new window therein so as substantially to invade his neighbour's privacy. A builds a house in the town near B's house. A thereupon acquires an easement that B shall not open new windows in his house so as to command a view of the portions of A's house which are ordinarily excluded from observation, and B acquires a like easement with respect to A's house.

19. Where the dominant heritage is transferred or devolves, by act of parties or by operation of law, the transfer or devolution shall, unless a con- Transfer of dominant

heritage passes easement.

trary intention appears, be deemed to pass the easement to the person in whose favour the transfer or devolution takes place.

Illustration.

A has certain land to which a right of way is annexed. A lets the land to B for twenty years. The right of way vests in B and his legal representative so long as the lease continues.

CHAPTER III.

THE INCIDENTS OF EASEMENTS.

Rules controlled by contract or title.

20. The rules contained in this chapter are controlled by any contract between the dominant and servient owners relating to the servient heritage, and by the provisions of the instrument or decree, if any, by which the easement referred to was imposed.

Incidents of customary easements.

And, when any incident of any customary easement is inconsistent with such rules, nothing in this chapter shall affect such incident.

Bar to use unconnected with enjoyment.

21. An easement must not be used for any purpose not connected with the enjoyment of the dominant heritage.

Illustrations.

(*a*) A, as owner of a farm Y, has a right of way over B's land to Y. Lying beyond Y, A has another farm Z, the beneficial enjoyment of which is not necessary for the beneficial enjoyment of Y. He must not use the easement for the purpose of passing to and from Z.

(*b*) A, as owner of a certain house, has a right of way to and from it. For the purpose of passing to and from the house, the right may be used, not only by A, but by the members of his family, his guests, lodgers, servants, workmen, visitors and customers; for this is a purpose connected with the enjoyment of the dominant heritage. So, if A lets the house, he may use the right of way for the purpose of collecting the rent and seeing that the house is kept in repair.

Exercise of easement.

Confinement of exercise of easement.

22. The dominant owner must exercise his right in the mode which is least onerous to the servient owner; and, when the exercise of an easement can without detriment to the dominant owner be confined to a determinate part of the servient heritage, such exercise shall, at the request of the servient owner, be so confined.

Illustrations.

(*a*) A has a right of way over B's field. A must enter the way at either end and not at any intermediate point.

(*b*) A has a right annexed to his house to cut thatching-grass in B's swamp. A, when exercising his easement, must cut the grass so that the plants may not be destroyed.

Right to alter

23. Subject to the provisions of section 22, the dominant owner may,

from time to time, alter the mode and place of enjoying the easement, provided that he does not thereby impose any additional burden on the servient heritage. mode of enjoyment.

Exception.—The dominant owner of a right of way cannot vary his line of passage at pleasure, even though he does not thereby impose any additional burden on the servient heritage.

Illustrations.

(*a*) A, the owner of a saw-mill, has a right to a flow of water sufficient to work the mill. He may convert the saw-mill into a corn-mill, provided that it can be worked by the same amount of water.

(*b*) A has a right to discharge on B's land the rain-water from the eaves of A's house. This does not entitle A to advance his eaves if, by so doing, he imposes a greater burden on B's land.

(*c*) A, as the owner of a paper-mill, acquires a right to pollute a stream by pouring in the refuse-liquor produced by making in the mill paper from rags. He may pollute the stream by pouring in similar liquor produced by making in the mill paper by a new process from bamboos, provided that he does not substantially increase the amount, or injuriously change the nature, of the pollution.

(*d*) A, a riparian owner, acquires, as against the lower riparian owners, a prescriptive right to pollute a stream by throwing sawdust into it. This does not entitle A to pollute the stream by discharging into it poisonous liquor.

24. The dominant owner is entitled, as against the servient owner, to do all acts necessary to secure the full enjoyment of the easement(a); but such acts must be done at such time and in such manner as, without detriment to the dominant owner, to cause the servient owner as little inconvenience as possible; and the dominant owner must repair, as far as practicable, the damage (if any) caused by the act to the servient heritage. Right to do acts to secure enjoyment.

Rights to do acts necessary to secure the full enjoyment of an easement are called accessory rights. Accessory rights.

Illustrations.

(*a*) A has an easement to lay pipes in B's land to convey water to A's cistern. A may enter and dig the land in order to mend the pipes, but he must restore the surface to its original state.

(*b*) A has an easement of a drain through B's land. The sewer with which the drain communicates is altered. A may enter upon B's land and alter the drain, to adapt it to the new sewer, provided that he does not thereby impose any additional burden on B's land.

(*c*) A, as owner of a certain house, has a right of way over B's land. The way is out of repair, or a tree is blown down and falls across it. A may enter on B's land and repair the way or remove the tree from it.

(*d*) A, as owner of a certain field, has a right of way over B's land. B renders the way

(a) But see s. 36, *infra*, p. 205, as to abatement of obstruction of easement.

impassable. A may deviate from the way and pass over the adjoining land of B, provided that the deviation is reasonable.

(*e*) A, as owner of a certain house, has a right of way over B's field. A may remove rocks to make the way.

(*f*) A has an easement of support from B's wall. The wall gives way. A may enter upon B's land and repair the wall.

(*g*) A has an easement to have his land flooded by means of a dam in B's stream. The dam is half swept away by an inundation. A may enter upon B's land and repair the dam.

Liability for expenses necessary for preservation of easement.

25. The expenses incurred in constructing works, or making repairs, or doing any other act necessary for the use or preservation of an easement, must be defrayed by the dominant owner.

Liability for damage from want of repair.

26. Where an easement is enjoyed by means of an artificial work, the dominant owner is liable to make compensation for any damage to the servient heritage arising from the want of repair of such work.(a)

Servient owner not bound to do anything.

27. The servient owner is not bound to do anything for the benefit of the dominant heritage, and he is entitled, as against the dominant owner, to use the servient heritage in any way consistent with the enjoyment of the easement: but he must not do any act tending to restrict the easement or to render its exercise less convenient.

Illustrations.

(*a*) A, as owner of a house, has a right to lead water and send sewage through B's land. B is not bound as servient owner to clear the watercourse or scour the sewer.

(*b*) A grants a right of way through his land to B as owner of a field. A may feed his cattle on grass growing on the way, provided that B's right of way is not thereby obstructed; but he must not build a wall at the end of his land so as to prevent B from going beyond it, nor must he narrow the way so as to render the exercise of the right less easy than it was at the date of the grant.

(*c*) A, in respect of his house, is entitled to an easement of support from B's wall. B is not bound as servient owner to keep the wall standing and in repair. But he must not pull down or weaken the wall so as to make it incapable of rendering the necessary support.

(*d*) A, in respect of his mill, is entitled to a watercourse through B's land. B must not drive stakes so as to obstruct the watercourse.

(*e*) A, in respect of his house, is entitled to a certain quantity of light passing over B's land. B must not plant trees so as to obstruct the passage to A's windows of that quantity of light.

Extent of easements.

28. With respect to the extent of easements and the mode of their enjoyment, the following provisions shall take effect:—

Easement of necessity.

An easement of necessity is co-extensive with the necessity as it existed when the easement was imposed.

Other easements.

The extent of any other easement and the mode of its enjoyment must be

(a) But see s. 50, *infra*, p. 210, as to extinguishment or suspension of easement.

fixed with reference to the probable intention of the parties, and the purpose for which the right was imposed or acquired.

In the absence of evidence as to such intention and purpose—

(*a*) a right of way of any one kind does not include a right of way of any other kind: Right of way.

(*b*) the extent of a right to the passage of light or air to a certain window, door or other opening, imposed by a testamentary or non-testamentary instrument, is the quantity of light or air that entered the opening at the time the testator died or the non-testamentary instrument was made: Right to light or air acquired by grant.

(*c*) the extent of a prescriptive right to the passage of light or air to a certain window, door or other opening is that quantity of light or air which has been accustomed to enter that opening during the whole of the prescriptive period irrespectively of the purposes for which it has been used: Prescriptive right to light or air.

(*d*) the extent of a prescriptive right to pollute air or water is the extent of the pollution at the commencement of the period of user on completion of which the right arose: and Prescriptive right to pollute air or water.

(*e*) the extent of every other prescriptive right and the mode of its enjoyment must be determined by the accustomed user of the right. Other prescriptive rights.

29. The dominant owner cannot, by merely altering or adding to the dominant heritage, substantially increase an easement. Increase of easement.

Where an easement has been granted or bequeathed so that its extent shall be proportionate to the extent of the dominant heritage, if the dominant heritage is increased by alluvion, the easement is proportionately increased, and, if the dominant heritage is diminished by diluvion, the easement is proportionately diminished.

Save as aforesaid, no easement is affected by any change in the extent of the dominant or the servient heritage.

Illustrations.

(*a*) A, the owner of a mill, has acquired a prescriptive right to divert to his mill part of the water of a stream. A alters the machinery of his mill. He cannot thereby increase his right to divert water.

(*b*) A has acquired an easement to pollute a stream by carrying on a manufacture on its banks by which a certain quantity of foul matter is discharged into it. A extends his works and thereby increases the quantity discharged. He is responsible to the lower riparian owners for injury done by such increase.

(*c*) A, as the owner of a farm, has a right to take, for the purpose of manuring his farm, leaves which have fallen from the trees on B's land. A buys a field and unites it to his farm. A is not thereby entitled to take leaves to manure this field.

Partition of dominant heritage.

30. Where a dominant heritage is divided between two or more persons the easement becomes annexed to each of the shares, but not so as to increase substantially the burden on the servient heritage: provided that such annexation is consistent with the terms of the instrument, decree or revenue proceeding (if any) under which the division was made, and, in the case of prescriptive rights, with the user during the prescriptive period.

Illustrations.

(*a*) A house to which a right of way by a particular path is annexed is divided into two parts, one of which is granted to A, the other to B. Each is entitled, in respect of his part, to a right of way by the same path.

(*b*) A house to which is annexed the right of drawing water from a well to the extent of fifty buckets a day is divided into two distinct heritages, one of which is granted to A, the other to B. A and B are each entitled, in respect of his heritage, to draw from the well fifty buckets a day; but the amount drawn by both must not exceed fifty buckets a day.

(*c*) A, having in respect of his house an easement of light, divides the house into three distinct heritages. Each of these continues to have the right to have its windows unobstructed.

Obstruction in case of excessive user.

31. In the case of excessive user of an easement the servient owner may, without prejudice to any other remedies to which he may be entitled, obstruct the user, but only on the servient heritage: provided that such user cannot be obstructed when the obstruction would interfere with the lawful enjoyment of the easement.

Illustration.

A, having a right to the free passage over B's land of light to four windows six feet by four, increases their size and number. It is impossible to obstruct the passage of light to the new windows without also obstructing the passage of light to the ancient windows. B cannot obstruct the excessive user.

CHAPTER IV.

THE DISTURBANCE OF EASEMENTS.

Right to enjoyment without disturbance.

32. The owner or occupier of the dominant heritage is entitled to enjoy the easement without disturbance by any other person.

Illustration.

A, as owner of a house, has a right of way over B's land. C unlawfully enters on B's land, and obstructs A in his right of way. A may sue C for compensation, not for the entry, but for the obstruction.

Suit for dis-

33. The owner of any interest in the dominant heritage, or the occupier of

such heritage, may institute a suit for compensation for the disturbance of the easement or of any right accessory thereto: provided that the disturbance has actually caused substantial damage to the plaintiff. Disturbance of easement.

Explanation I.—The doing of any act likely to injure the plaintiff by affecting the evidence of the easement, or by materially diminishing the value of the dominant heritage, is substantial damage within the meaning of this section and section 34.

Explanation II.—Where the easement disturbed is a right to the free passage of light passing to the openings in a house, no damage is substantial within the meaning of this section unless it falls within the first Explanation, or interferes materially with the physical comfort of the plaintiff, or prevents him from carrying on his accustomed business in the dominant heritage as beneficially as he had done previous to instituting the suit.

Explanation III.—Where the easement disturbed is a right to the free passage of air to the openings in a house, damage is substantial within the meaning of this section if it interferes materially with the physical comfort of the plaintiff, though it is not injurious to his health.

Illustrations.

(*a*) A places a permanent obstruction in a path over which B, as tenant of C's house, has a right of way. This is substantial damage to C, for it may affect the evidence of his reversionary right to the easement.

(*b*) A, as owner of a house, has a right to walk along one side of B's house. B builds a verandah overhanging the way about ten feet from the ground, and so as not to occasion any inconvenience to foot-passengers using the way. This is not substantial damage to A.

34. The removal of the means of support to which a dominant owner is entitled does not give rise to a right to recover compensation unless and until substantial damage(a) is actually sustained. When cause of action arises for removal or support.

I of 1877. **35.** Subject to the provisions of the Specific Relief Act, 1877,(b) sections 52 to 57 (both inclusive), an injunction may be granted to restrain the disturbance of an easement— Injunction to restrain disturbance.

(*a*) if the easement is actually disturbed,—when compensation for such disturbance might be recovered under this chapter:

(*b*) if the disturbance is only threatened or intended,—when the act threatened or intended must necessarily, if performed, disturb the easement.

36. Notwithstanding the provisions of section 24, the dominant owner cannot himself abate a wrongful obstruction of an easement. Abatement of obstruction of easement.

(a) As to meaning of "substantial damage," see s. 33, Expl. I, *supra*.

(b) Printed, General Acts, 1877-81, Ed. 1884, p. 1.

CHAPTER V.

THE EXTINCTOIN, SUSPENSION AND REVIVAL OF EASEMENTS.

Extinction by dissolution of right of servient owner.

37. When, from a cause which preceded the imposition of an easement, the person by whom it was imposed ceases to have any right in the servient heritage, the easement is extinguished.

Exception.—Nothing in this section applies to an easement lawfully imposed by a mortgagor in accordance with section 10.

Illustrations.

(*a*) A transfers Sultánpur to B on condition that he does not marry C. B imposes an easement on Sultánpur. Then B marries C. B's interest in Sultánpur ends, and with it the easement is extinguished.

(*b*) A, in 1860, let Sultánpur to B for thirty years from the date of the lease. B in 1861 imposes an easement on the land in favour of C, who enjoys the easement peaceably and openly as an easement without interruption for twenty-nine years. B's interest in Sultánpur then ends, and with it C's easement.

(*c*) A and B, tenants of C, have permanent transferable interests in their respective holdings. A imposes on his holding an easement to draw water from a tank for the purpose of irrigating B's land. B enjoys the easement for twenty years. Then A's rent falls into arrear and his interest is sold. B's easement is extinguished.

(*d*) A mortgages Sultánpur to B, and lawfully imposes an easement on the land in favour of C in accordance with the provisions of section 10. The land is sold to D in satisfaction of the mortgage-debt. The easement is not thereby extinguished.

Extinction by release.

38. An easement is extinguished when the dominant owner releases it, expressly or impliedly, to the servient owner.

Such release can be made only in the circumstances and to the extent in and to which the dominant owner can alienate the dominant heritage.

An easement may be released as to part only of the servient heritage.

Explanation I.—An easement is impliedly released—

(*a*) where the dominant owner expressly authorizes an act of a permanent nature to be done on the servient heritage, the necessary consequence of which is to prevent his future enjoyment of the easement, and such act is done in pursuance of such authority;

(*b*) where any permanent alteration is made in the dominant heritage of such a nature as to show that the dominant owner intended to cease to enjoy the easement in future.

Explanation II.—Mere non-user of an easement is not an implied release within the meaning of this section.

Illustrations.

(*a*) A, B and C are co-owners of a house to which an easement is annexed. A, without the consent of B and C, releases the easement. This release is effectual only as against A and his legal representative.

(*b*) A grants B an easement over A's land for the beneficial enjoyment of his house. B assigns the house to C. B then purports to release the easement. The release is ineffectual.

(*c*) A, having the right to discharge his eavesdroppings into B's yard, expressly authorizes B to build over this yard to a height which will interfere with the discharge. B builds accordingly. A's easement is extinguished to the extent of the interference.

(*d*) A, having an easement of light to a window, builds up that window with bricks and mortar so as to manifest an intention to abandon the easement permanently. The easement is impliedly released.

(*e*) A, having a projecting roof by means of which he enjoys an easement to discharge eavesdroppings on B's land, permanently alters the roof, so as to direct the rain-water into a different channel and discharge it on C's land. The easement is impliedly released.

Extinction by revocation.

39. An easement is extinguished when the servient owner, in exercise of a power reserved in this behalf, revokes the easement.

Extinction on expiration of limited period or happening of dissolving condition.

40. An easement is extinguished where it has been imposed for a limited period, or acquired on condition that it shall become void on the performance or non-performance of a specified act, and the period expires or the condition is fulfilled.

Extinction on termination of necessity.

41. An easement of necessity is extinguished when the necessity comes to an end.

Illustration.

A grants B a field inaccessible except by passing over A's adjoining land. B afterwards purchases a part of that land over which he can pass to his field. The right of way over A's land which B had acquired is extinguished.

Extinction of useless easement.

42. An easement is extinguished when it becomes incapable of being at any time and under any circumstances beneficial to the dominant owner.

Extinction by permanent change in dominant heritage.

43. Where, by any permanent change in the dominant heritage, the burden on the servient heritage is materially increased and cannot be reduced by the servient owner without interfering with the lawful enjoyment of the easement, the easement is extinguished, unless—

(*a*) it was intended for the benefical enjoyment of the dominant heritage, to whatever extent the easement should be used; or,

(*b*) the injury caused to the servient owner by the change is so slight that no reasonable person would complain of it; or

(*c*) the easement is an easement of necessity.

Nothing in this section shall be deemed to apply to an easement entitling the dominant owner to support of the dominant heritage.

Extinction on permanent alteration of servient heritage by superior force.

44. An easement is extinguished where the servient heritage is by superior force so permanently altered that the dominant owner can no longer enjoy such easement:

Provided that, where a way of necessity is destroyed by superior force, the dominant owner has a right to another way over the servient heritage; and the provisions of section 14 apply to such way.

Illustrations.

(*a*) A grants to B, as the owner of a certain house, a right to fish in a river running through A's land. The river changes its course permanently and runs through C's land. B's easement is extinguished.

(*b*) Access to a path over which A has a right of way is permanently cut off by an earthquake. A's right is extinguished.

Extinction by destruction of either heritage.

45. An easement is extinguished when either the dominant or the servient heritage is completely destroyed.

Illustration.

A has a right of way over a road running along the foot of a sea-cliff. The road is washed away by a permanent encroachment of the sea. A's easement is extinguished.

Extinction by unity of ownership.

46. An easement is extinguished when the same person becomes entitled to the absolute ownership of the whole of the dominant and servient heritages.

Illustrations.

(*a*) A, as the owner of a house, has a right of way over B's field. A mortgages his house, and B mortgages his field, to C. Then C forecloses both mortgages and becomes thereby absolute owner of both house and field. The right of way is extinguished.

(*b*) The dominant owner acquires only part of the servient heritage: the easement is not extinguished, except in the case illustrated in section 41.

(*c*) The servient owner acquires the dominant heritage in connection with a third person: the easement is not extinguished.

(*d*) The separate owners of two separate dominant heritages jointly acquire the heritage which is servient to the two separate heritages: the easements are not extinguished.

(*e*) The joint owners of the dominant heritage jointly acquire the servient heritage: the easement is extinguished.

(*f*) A single right of way exists over two servient heritages for the beneficial enjoyment of a single dominant heritage. The dominant owner acquires one only of the servient heritages. The easement is not extinguished.

(*g*) A has a right of way over B's road. B dedicates the road to the public. A's right of way is not extinguished.

47. A continuous easement is extinguished when it totally ceases to be enjoyed as such for an unbroken period of twenty years. Extinction by non-enjoyment.

A discontinuous easement is extinguished when, for a like period, it has not been enjoyed as such.

Such period shall be reckoned, in the case of a continuous easement, from the day on which its enjoyment was obstructed by the servient owner, or rendered impossible by the dominant owner; and, in the case of a discontinuous easement, from the day on which it was last enjoyed by any person as dominant owner:

Provided that, if, in the case of a discontinuous easement, the dominant owner, within such period, registers, under the Indian Registration Act, 1877,(a) a declaration of his intention to retain such easement, it shall not be extinguished until a period of twenty years has elapsed from the date of the registration. III of 1877.

Where an easement can be legally enjoyed only at a certain place, or at certain times, or between certain hours, or for a particular purpose, its enjoyment during the said period at another place, or at other times, or between other hours, or for another purpose, does not prevent its extinction under this section.

The circumstance that, during the said period, no one was in possession of the servient heritage, or that the easement could not be enjoyed, or that a right accessory thereto was enjoyed, or that the dominant owner was not aware of its existence, or that he enjoyed it in ignorance of his right to do so, does not prevent its extinction under this section.

An easement is not extinguished under this section—

(*a*) where the cessation is in pursuance of a contract between the dominant and servient owners;

(*b*) where the dominant heritage is held in co-ownership, and one of the co-owners enjoys the easement within the said period, or

(*c*) where the easement is a necessary easement.

Where several heritages are respectively subject to rights of way for the benefit of a single heritage, and the ways are continuous, such rights shall, for the purposes of this section, be deemed to be a single easement.

Illustration.

A has, as annexed to his house, rights of way from the high road thither over the heritages X and Z and the intervening heritage Y. Before the twenty years expire, A exercises his right of way over X. His rights of way over Y and Z are not extinguished.

(a) Printed, General Acts, 1877-81, Ed. 1884, p. 40.

Extinction of accessory rights.

48. When an easement is extinguished, the rights (if any) accessory thereto are also extinguished.

Illustration.

A has an easement to draw water from B's well. As accessory thereto, he has a right of way over B's land to and from the well. The easement to draw water is extinguished under section 47. The right of way is also extinguished.

Suspension of easement.

49. An easement is suspended when the dominant owner becomes entitled to possession of the servient heritage for a limited interest therein, or when the servient owner becomes entitled to possession of the dominant heritage for a limited interest therein.

Servient owner not entitled to require continuance.

50. The servient owner has no right to require that an easement be continued; and, notwithstanding the provisions of section 26, he is not entitled to compensation for damage caused to the servient heritage in consequence of the extinguishment or suspension of the easement, if the dominant owner has given to the servient owner such notice as will enable him, without unreasonable expense, to protect the servient heritage from such damage.

Compensation for damage caused by extinguishment or suspension.

Where such notice has not been given, the servient owner is entitled to compensation for damage caused to the servient heritage in consequence of such extinguishment or suspension.

Illustration.

A, in exercise of an easement, diverts to his canal the water of B's stream. The diversion continues for many years, and during that time the bed of the stream partly fills up. A then abandons his easement, and restores the stream to its ancient course. B's land is consequently flooded. B sues A for compensation for the damage caused by the flooding. It is proved that A gave B a month's notice of his intention to abandon the easement, and that such notice was sufficient to enable B, without unreasonable expense, to have prevented the damage. The suit must be dismissed.

Revival of easements.

51. An easement extinguished under section 45 revives (*a*) when the destroyed heritage is, before twenty years have expired, restored by the deposit of alluvion; (*b*) when the destroyed heritage is a servient building and before twenty years have expired such building is rebuilt upon the same site; and (*c*) when the destroyed heritage is a dominant building and before twenty years have expired such building is rebuilt upon the same site and in such a manner as not to impose a greater burden on the servient heritage.

An easement extinguished under section 46 revives when the grant or bequest by which the unity of ownership was produced is set aside by the decree of a competent Court. A necessary easement extinguished under the same section revives when the unity of ownership ceases from any other cause.

A suspended easement revives if the cause of suspension is removed before the right is extinguished under section 47.

Illustration.

A, as the absolute owner of field Y, has a right of way thither over B's field Z. A obtains from B a lease of Z for twenty years. The easement is suspended so long as A remains lessee of Z. But when A assigns the lease to C, or surrenders it to B, the right of way revives.

CHAPTER VI.

LICENSES.

"License" defined.

52. Where one person grants to another, or to a definite number of other persons, a right to do, or continue to do, in or upon the immoveable property of the grantor, something which would, in the absence of such right, be unlawful, and such right does not amount to an easement or an interest in the property, the right is called a license.

Who may grant licenses

53. A license may be granted by anyone in the circumstances and to the extent in and to which he may transfer his interests in the property affected by the license.

Grant may be express or implied.

54. The grant of a license may be express or implied from the conduct of the grantor; and an agreement which purports to create an easement, but is ineffectual for that purpose, may operate to create a license.

Accessory licenses annexed by law.

55. All licenses necessary for the enjoyment of any interest, or the exercise of any right, are implied in the constitution of such interest or right. Such licenses are called accessory licenses.

Illustration.

A sells the trees growing on his land to B. B is entitled to go on the land and take away the trees.

License when transferable.

56. Unless a different intention is expressed or necessarily implied, a license to attend a place of public entertainment may be transferred by the licensee; but, save as aforesaid, a license cannot be transferred by the licensee or exercised by his servants or agents.

Illustrations.

(*a*) A grants B a right to walk over A's field whenever he pleases. The right is not annexed to any immoveable property of B. The right cannot be transferred.

(*b*) The Government grant B a license to erect and use temporary grain-sheds on Government land. In the absence of express provision to the contrary, B's servants may enter on the land for the purpose of erecting sheds, erect the same, deposit grain therein and remove grain therefrom.

Grantor's duty to disclose defects.

57. The grantor of a license is bound to disclose to the licensee any defect in the property affected by the license, likely to be dangerous to the person or property of the licensee, of which the grantor is, and the licensee is not, aware.

Grantor's duty not to render property unsafe.

58. The grantor of a license is bound not to do anything likely to render the property affected by the license dangerous to the person or property of the licensee.

Grantor's transferee not bound by license.

59. When the grantor of the license transfers the property affected thereby, the transferee is not as such bound by the license.

License when revocable.

60. A license may be revoked by the grantor, unless—

(*a*) it is coupled with a transfer of property and such transfer is in force:

(*b*) the licensee, acting upon the license, has executed a work of a permanent character and incurred expenses in the execution.

Revocation express or implied.

61. The revocation of a license may be express or implied.

Illustrations.

(*a*) A, the owner of a field, grants a license to B to use a path across it. A, with intent to revoke the license, locks a gate across the path. The license is revoked.

(*b*) A, the owner of a field, grants a license to B to stack hay on the field. A lets or sells the field to C. The license is revoked.

License when deemed revoked.

62. A license is deemed to be revoked—

(*a*) when, from a cause preceding the grant of it, the grantor ceases to have any interest in the property affected by the license:

(*b*) when the licensee releases it, expressly or impliedly, to the grantor or his representative:

(*c*) where it has been granted for a limited period, or acquired on condition that it shall become void on the performance or non-performance of a specified act, and the period expires, or the condition is fulfilled:

(*d*) where the property affected by the license is destroyed or by superior force so permanently altered that the licensee can no longer exercise his right:

(*e*) where the licensee becomes entitled to the absolute ownership of the property affected by the license:

(*f*) where the license is granted for a specified purpose and the purpose is attained, or abandoned, or becomes impracticable:

(*g*) where the license is granted to the licensee as holding a particular office, employment or character, and such office, employment or character ceases to exist:

(*h*) where the license totally ceases to be used as such for an unbroken

period of twenty years, and such cessation is not in pursuance of a contract between the grantor and the licensee:

(*i*) in the case of an accessory license, when the interest or right to which it is accessory ceases to exist.

63. Where a license is revoked, the licensee is entitled to a reasonable time to leave the property affected thereby and to remove any goods which he has been allowed to place on such property. Licensee's rights on revocation.

64. Where a license has been granted for a consideration, and the licensee, without any fault of his own, is evicted by the grantor before he has fully enjoyed, under the license, the right for which he contracted, he is entitled to recover compensation from the grantor. Licensee's rights on eviction.

THE CENTRAL PROVINCES LOCAL SELF-GOVERNMENT ACT, 1883.

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ACT No. I OF 1883.

Received the assent of the Governor General on the 12th January, 1883.

An Act to make better provision for local self-government in the Central Provinces.

WHEREAS provision has been made by the Central Provinces Land-revenue Act, 1881,[a] for the appointment of mukaddams for the several villages in the territories administered by the Chief Commissioner of the Central Provinces; Preamble. XVIII of 1881.

And whereas provision has been made in the settlement-records of the districts in those territories for the levy of rates for the maintenance of roads, schools and the district post, and it is proposed that the Government shall, from time to time, assign certain sums, or the income accruing from certain sources, for expenditure on objects tending to promote the welfare and improvement of the inhabitants of each of those districts;

It is hereby enacted as follows:—

Preliminary.

1. This Act may be called the Central Provinces Local Self-government Act, 1883. Short title.

(a) See Act XVIII of 1881, s. 137, *supra*, p. 160.

Local extent.

It shall extend only to the territories for the time being administered by the Chief Commissioner of the Central Provinces; and

Commencement.

It shall come into force at once.

Definitions.

2. In this Act—

"Assistant Commissioner" includes an Extra Assistant Commissioner in any district where there is no Assistant Commissioner:

"financial year" means the year commencing on the first day of April:

"village" includes any tract of land which, at the last settlement of that land, has been recognized as a village, or which the Chief Commissioner may, from time to time, declare to be a village for the purposes of the Central Provinces Land-revenue Act, 1881 :(a) and

XVIII of 1881.

"mukaddam" means the executive headman of a village appointed under that Act. (b)

Formation of Local Administrative Areas.

Aggregation of villages in circles and groups for purposes of local self-government.

3. (*1*) The Chief Commissioner shall, by order in writing, for the purposes of the local self-government of each district, aggregate the several villages thereof in circles and the circles in groups. (c)

(*2*) There shall be excluded from the circles and groups formed under this section such portions of the district as are for the time being included in the limits of a military cantonment (d) or of a town having a municipal committee. (e)

(*3*) The Chief Commissioner may, from time to time, by order in writing vary any order made under this section.

Constitution of Local Administrative Bodies.

Establishment of Local Boards for groups and of District Councils for districts.

4. There shall be established for each group of circles a Local Board having authority over that group, and for each district a District Council having authority over the entire district, except such portions thereof as are for the time being included in the limits of a military cantonment (d) or of a town having a municipal committee. (e)

Constitution of Local Board.

5. The Local Board for a group of circles shall consist of—

(*a*) representative members, one or more for each circle, being the mukaddam or mukaddams of a village or villages within that circle;

(*b*) representatives, one or more, of mercantile classes or professions, resi-

(a) See Act XVIII of 1881, s. 4, cl. (8), *supra*, p. 118.
(b) See Act XVIII of 1881, s. 137, *supra*, p. 160.
(c) For list of circles and groups, see Appendix I.
(d) As to cantonments, see Act XIII of 1889.
(e) As to municipalities in the Central Provinces, see Act XVIII of 1889, *infra*, p. 288.

dent within the area comprised in the group, and elected by, or appointed on behalf of, those classes or professions; and

(*c*) such person or persons, if any, not exceeding in number one-third of the Board, as the Chief Commissioner may from time to time appoint.

6. The District Council of a district shall consist of—

Constitution of District Council.

(*a*) representatives of groups of circles within the district, one or more for each group, being a member or members of, and elected by, the Local Board for that group;

(*b*) representatives, one or more, of mercantile classes or professions, resident within the district, and elected by, or appointed on behalf of, those classes or professions; and

(*c*) such person or persons, if any, not exceeding in number one-third of the Council, as the Chief Commissioner may from time to time appoint.

Power to set aside election or remove member in case of conviction of offence.

7. (*1*) If a person convicted by a Criminal Court of an offence the commission of which in the opinion of the Chief Commissioner shows him to be unfit to be a member of a Local Board or District Council is elected as such member, the Chief Commissioner may declare his election void.

(*2*) If a member of such a Board or Council is so convicted of any such offence, the Chief Commissioner may declare his office to be vacant.

Incorporation of District Council.

8. Every District Council shall be a body corporate by the name of the District Council of its district; shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable; to transfer any moveable property, and, with the previous approval in writing of the Deputy Commissioner, any immoveable property, held by it, and to contract and to do all other things necessary for the purposes of its constitution; and may sue and be sued in its corporate name.

Duties of District Councils and Local Boards. ([a])

Matters to be administered by Board and Council.

9. The following matters shall, subject to such exceptions as the Chief Commissioner may, from time to time, by order in writing make, be under the control and administration of the District Council and of the Local Boards within the areas subject respectively to their authority:—

(*a*) the construction, repair and maintenance of roads and other means of communication:

(*b*) the management, maintenance and visiting of schools, hospitals, dis-

([a]) As to suspension of authority of District Council and Local Boards in villages under the operation of the Central Provinces Village Sanitation Act, 1889, see Act XIX of 1889, s. 8, *infra*, p. 330.

pensaries, markets, rest-houses, saráís and other public institutions, and the construction and repair of all buildings connected with these institutions:

(*c*) the construction and repair of public wells, tanks and water-works, the supply of water from them and from other sources, and the preservation from pollution of water for drinking and cooking purposes:

(*d*) the planting and preservation of trees on public ground:

(*e*) the establishment and maintenance of relief-works in time of famine or scarcity:

(*f*) the establishment and management of pounds, including, where the Cattle-trespass Act, 1871,(a) is in operation, all the functions of the Local Government and the Magistrate of the district(b) under sections 4, 5, 6, 7, 12, 14 and 17, and clause (*a*) of section 18, of that Act: I of 1871.

(*g*) the management of such public ferries as may be entrusted to their charge under section 7A(c) of the Northern India Ferries Act, 1878, as amended by this Act: XVII of 1878.

(*h*) any other local works or measures likely to promote the health, comfort or convenience of the public: and

(*i*) the maintenance of any building, or other property, vested under this Act in the District Council.

Relations of Local Boards to District Councils.

Duties of Local Board.

10. (*1*) A Local Board as the agent of, and subject to the control of, the District Council, shall, within the area subject to its authority, have the control and administration of, and be responsible for, all the matters specified in section 9 except such of those matters as the District Council may think fit to take under its direct control and administration, and such as the Chief Commissioner may have excepted by order under section 9.

(*2*) It shall be the duty of the District Council to enforce the responsibility imposed on a Local Board by sub-section (*1*).

Reports, estimates and accounts to be submitted by Board to Council.

11. Every Local Board shall submit annually to the District Council of its district, on or before such date as the Council may appoint in this behalf, a statement of the requirements, and an estimate of the probable expenditure, of the Board for the coming financial year, and a report of its proceedings, and

(a) Printed, General Acts, 1867-76, Ed. 1887, p. 206.
(b) *Read* District Magistrate—see Act X of 1882, s. 3.
(c) Printed *supra*, p. 86.

an account of its receipts and expenditure for the past financial year; and shall also submit to the Council such other reports, if any, as the Council may, from time to time, require.

12. A Local Board shall not incur expenses or undertake liabilities to any amount exceeding the limit imposed by the District Council of its district.

Limits on expenditure of Local Board.

13. A District Council may, by a majority of two-thirds of its whole number, reverse or vary any resolution of a Local Board for an area within its district.

Power for Council to reverse or vary resolution of Board.

14. (*1*) If the Local Board makes default in the performance of any duty imposed on it by or under this Act, the District Council may, by order in writing, fix a period for the performance of the duty.

(*2*) If the duty is not performed within that period, the Council may appoint some person to perform it, and may provide for the expenses of, and incidental to, its performance out of the funds appropriated to or for the purposes of the Local Board.

Power for Council to provide for performance of duty in default of Board.

15. (*1*) The Chief Commissioner may from time to time, by notification in the official Gazette, declare any Local Board established under this Act to be an independent board, and may in like manner cancel such notification.

Power to declare Local Boards independent.

(*2*) A Local Board so declared shall, while the notification is in force, so far as may be, have within the area subject to its authority the powers, and perform the duties, of a District Council under this Act, and shall cease to be the agent of, and under the control of, the District Council.

School Committees.

16. (*1*) Every District Council, and every Local Board as the agent of, and subject to the control of, its District Council, may from time to time appoint school committees for the several schools under its control and administration, and shall, as far as may be practicable, conduct the management of any school for which such a committee has been appointed through that committee.

Appointment of school committees.

(*2*) All school committees existing within the area subject to the authority of any District Council or Local Board at the time that Council or Board comes into existence shall be deemed to have been appointed under this section.

Joint Committees.

17. (*1*) A Local Board may, from time to time, concur with any other Local Board or Boards for an area or areas in the same district, in appointing, out

Joint committee of two

or more Local Boards.

of their respective bodies, joint committees for any purpose in which they are jointly interested, and in delegating to any such committee any power which might be exercised by either or any of the Local Boards, and in framing and modifying regulations as to the proceedings of any such joint committee.

(*2*) If any dispute arises between two or more Local Boards acting under this section, the decision thereon of the District Council of their district shall be final.

Joint committee of two or more District Councils.

18. (*1*) A District Council may, from time to time, concur with any other District Council or District Councils in appointing, out of their respective bodies, joint committees for any purpose in respect of which they are jointly interested, and in delegating to any such committee any power which might be exercised by any or either of the District Councils, and in framing and modifying regulations as to the proceedings of any such joint committee.

(*2*) If any dispute arises between two or more District Councils acting under this section, the decision thereon of the Commissioner, if the Councils are in the same division, or, if they are not in the same division, of the Chief Commissioner, shall be final.

Conduct of Business.

Chairman.

19. (*1*) Every District Council and Local Board shall, from time to time, elect one of its members to be chairman for one financial year at all meetings at which he is present.

(*2*) If the chairman so elected dies, resigns or becomes incapable of acting, the Council or Board shall elect another of its members to be chairman for the period during which the person so dying, resigning or becoming incapable would have been entitled to continue in office, and no longer.

(*3*) An election under the foregoing provisions of this section shall not be valid until it is approved, in the case of the chairman of a Local Board, by the Commissioner of the division, and, in the case of the chairman of a District Council, by the Chief Commissioner.

(*4*) If when any meeting is held the office of chairman is vacant or the chairman is absent from the meeting, the members present shall appoint one of their number to be chairman thereat.

Regulations as to meetings and proceedings.

20. (*1*) Every District Council and Local Board may, from time to time, make regulations as to the time and place of its meetings, the conduct of proceedings at meetings, and the appointment, powers and proceedings of committees:

(*2*) Provided that every regulation made under this section must be consistent with this Act and with any rules made by the Chief Commissioner under this Act.

Officers and Servants.

Employment of officers and servants.

21. (*1*) Every District Council may employ such officers and servants as may be necessary and proper for the efficient execution of its duties, and may assign to them such pay, leave-allowances, gratuities and pensions as it thinks fit.

(*2*) A Local Board may employ such officers and servants, and may assign to them such pay, leave-allowances, gratuities and pensions, as the District Council of its district thinks requisite and sufficient.

(*3*) In the case of an officer lent by the Government, the Council or Board may contribute to any leave-allowance, gratuity or pension which he may become entitled to in accordance with the rules for the time being in force.

(*4*) If, in the opinion of the Commissioner,—

(*a*) the number of persons employed by a Council or Board under this section, or the pay, allowances, gratuities or pensions assigned by the Council or Board to those persons, or to any particular person, is or are excessive, or

(*b*) any such person is unfit for his employment,

the Council or Board shall, on the requirement of the Commissioner, reduce the number or remuneration, or, as the case may be, dismiss the unfit person.

Vesting of Property.

Power to vest property in District Council.

22. The Chief Commissioner may, from time to time, by notification in the official Gazette, direct that any property, moveable or immoveable, which is vested in Her Majesty and is situate in the Central Provinces, shall vest in any District Council; and thereupon that property shall vest in that Council for the purposes of this Act, subject to all rights over, and all debts, liabilities and obligations (if any) affecting, that property.

Finance.

Constitution, custody and application of District Fund.

23. (*1*) There shall be formed for each district a Fund to be called the District Fund, and there shall be placed to the credit thereof—

(*a*) the net proceeds (after deducting the expenses of collection) of all rates levied in accordance with settlement-records in that district for the maintenance of roads or schools;

(*b*) such portion (if any) of the surplus of the rates so levied for the maintenance of the district post as the Chief Commissioner may, from time to time, assign in this behalf;

(*c*) the surplus accruing in that district under section 18([a]) of the Cattle-trespass Act, 1871; I of 1871.

(*d*) the proceeds of public ferries payable into the District Fund of that district under section 7A([b]) of the Northern India Ferries Act, 1878, as amended by this Act; XVII of 1878.

(*e*) all sums assigned, from time to time, by the Chief Commissioner for expenditure on local works in that district, under section 5([c]) of the Central Provinces Additional Rates Act, 1878, section 17([d]) of the Northern India Ferries Act, 1878, or any enactment amending either of those Acts; X of 1878. XVII of 1878.

(*f*) all such rents and profits accruing from nazúl property in that district as the Chief Commissioner may, from time to time, direct to be paid to the District Council;

(*g*) all sums contributed to the Fund by the Government, local bodies or private persons; and

(*h*) all sums received by the District Council in the execution of this Act.([e])

(*2*) The District Fund shall be vested in the District Council, and the balance standing to the credit of the Fund shall be kept in the Government treasury of the district.

(*3*) The District Fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the several matters specified in sections 9 and 21, within the area subject to the authority of the District Council, and, with the sanction of the Chief Commissioner, outside of that area, and also to the following purposes:—

(*a*) the payment of school inspectors and normal school teachers appointed and controlled by the Government and employed in the district, and the provision of scholarships and prizes for schools in the district;

(*b*) the payment of subordinate medical officers (including vaccinators([f])) appointed by the Government and employed in the district; and

(*c*) the expenses attending the audit of the accounts of the District Council and of the Local Boards within the district:

Provided that the amount expended from the District Fund in any financial

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([a]) Printed, General Acts, 1867-76, 2nd Ed., 1887, p. 211.
([b]) Printed *supra*, p. 86.
([c]) Printed *supra*, p. 87.
([d]) Printed *supra*, p. 89.
([e]) As to moneys held by panchayats under the Central Provinces Village Sanitation Act, 1889, when that Act has been withdrawn, see Act XIX of 1889, s. 7, *infra*, p. 330.
([f]) As to vaccinators, see Act XIII of 1880, *supra*, p. 101.

year on primary education shall not be less than the estimated net proceeds for that year of the rates levied in the district in accordance with the settlement-records for the maintenance of schools.

(*4*) When a Local Board has been declared independent under section 15, such portion of the District Fund as the Chief Commissioner may, from time to time, fix in this behalf shall, during its independence, be annually set apart and placed at its disposal, and shall, for the purposes of this Act, be treated as a separate District Fund.

Annual estimates of income and expenditure.

24. (*1*) Every District Council shall appoint a finance committee consisting of not less than three of its number.

(*2*) Every District Council shall, on or before the prescribed day in each year, hold a meeting at which the finance committee shall submit to the Council, in such form as the Chief Commissioner may, from time to time, by rule, prescribe, an estimate of the income and expenditure of the Council for the next financial year.

(*3*) The District Council shall consider the estimate, and may provisionally approve of it with or without modification.

(*4*) The District Council shall, on or before the prescribed day, cause a copy of the estimate as provisionally approved by it to be sent to the Deputy Commissioner.

(*5*) The Deputy Commissioner may object to the estimate on the ground that any expenditure on salaries, works or otherwise, proposed therein, appears to him to be unnecessary or excessive, or that any particular contained therein appears to him to be erroneous, defective or improper.

(*6*) If the Deputy Commissioner so objects, he shall signify his objections in writing to the District Council; if he does not so object, he shall signify his approval in like manner.

(*7*) When the Deputy Commissioner signifies, under sub-section (*6*), objections to an estimate, the District Council shall consider his objections, and either modify the estimate so as to remove them, or refer the estimate with the statement of objections, through the Deputy Commissioner, to the Commissioner, and the Commissioner shall signify to the District Council his approval of the estimate, with or without such modifications as may be needed to remove the objections wholly or in part as he thinks fit.

(*8*) When the Deputy Commissioner or Commissioner has signified his approval of an estimate, or the District Council has modified an estimate so as to remove the Deputy Commissioner's objections, no expenditure which is not provided for in the estimate as approved or modified shall be incurred during

the year to which the estimate relates without the previous sanction of the Commissioner.

(*9*) "Prescribed day," for the purposes of sub-section (*2*) or sub-section (*4*) of this section, means such day as the Chief Commissioner may, from time to time, by rule, prescribe for the purposes of that sub-section.

(*10*) When the Deputy Commissioner is a member of the District Council, the Commissioner shall take the place of the Deputy Commissioner for the purposes of this section, and the reference under sub-section (*7*) shall be to the Chief Commissioner.

Annual accounts and audit.

25. Accounts of the receipts and expenditure of every District Council shall be made up to the last day of every financial year, in such form as the Chief Commissioner, from time to time, prescribes, and shall be examined and audited as soon as may be after the end of each financial year by such persons as the Chief Commissioner, from time to time, appoints in this behalf.

Inspection of estimates and accounts.

26. The District Council shall cause a copy of every estimate provisionally or finally approved under section 24, and of every account made up under section 25, to be kept at its office; and any person may at all reasonable times inspect any such estimate or account.

Publication of abstract of accounts.

27. An abstract of every annual account of a District Council, showing the income of the District Fund under each head of receipts, the charges for establishment, the works undertaken, the sums expended on each work, and the balance, if any, of the Fund remaining unspent, shall be prepared by the District Council in such form as the Chief Commissioner from time to time prescribes, and published annually in the English and Vernacular official Gazettes.

Control.

Deputy Commissioner's power of supervision.

28. (*1*) The Deputy Commissioner of a district shall have power to supervise the proceedings of the District Council, and of every Local Board, joint committee or school committee in the district, and in exercise of that power may (among other things)—

(*a*) enter on and inspect, or cause to be entered on and inspected, any immoveable property occupied by the Council, Board or committee, or any work in progress under its direction;

(*b*) call for and inspect any document which may be for the purposes of this Act in the possession or under the control of the Council, Board or committee; and

(*c*) require the Council, Board or committee to furnish such statements, accounts and reports as he thinks fit.

(*2*) Where a joint committee is appointed by the District Councils of

several districts, the Deputy Commissioner of any of those districts may exercise a like power in respect of the proceedings of that committee; but, if any difference arises between two or more Deputy Commissioners acting under this sub-section, it shall be referred, when the districts are in the same division, to the Commissioner, and, when the districts are not in the same division, to the Chief Commissioner, whose decision shall be final.

(*3*) The power given under this section to a Deputy Commissioner in respect of a Local Board or school committee may, with the sanction of the Chief Commissioner, be delegated by him to a subordinate not below the rank of an Extra Assistant Commissioner.

(*4*) When the Deputy Commissioner is a member of the District Council, the powers given to him under this section shall, in respect of that Council, vest in the Commissioner.

Power to suspend execution of orders, &c.

29. (*1*) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a District Council, Local Board, joint committee or school committee, or the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Act, is likely to cause injury or annoyance to the public, or to any class or body of persons, or to lead to a breach of the peace, he may, by order in writing, suspend the execution or prohibit the doing thereof within his district.

(*2*) When a Deputy Commissioner makes any order under this section he shall forthwith forward to the Commissioner a copy of the order, with a statement of the reasons for making it; and it shall be in the discretion of the Commissioner to rescind the order, or to direct that it continue in force, with or without modification, permanently, or for such period as he thinks fit.

(*3*) The Commissioner shall forthwith submit to the Chief Commissioner a report of every case occurring under this section, and the Chief Commissioner may rescind or modify any order made therein, and make in respect thereof any other order which the Commissioner could have made in respect of the same.

Extraordinary powers of Deputy Commissioner in case of emergency.

30. (*1*) In cases of emergency the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a District Council or Local Board is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the District Council.

(*2*) If the expense and remuneration are not so paid, the Deputy Commissioner may make an order directing the person having the custody of the

balance of the District Fund to pay the expense and remuneration, or as much thereof as is possible, from that balance.

(*3*) The Deputy Commissioner shall forthwith report to the Commissioner every case in which he uses the powers given to him by this section.

Power to provide for performance of duties in default of District Council.

31. (*1*) When the Chief Commissioner is informed, on complaint made or otherwise, that a District Council has made default in performing any duty imposed on it by or under this Act, the Chief Commissioner, if satisfied after due inquiry that the District Council has been guilty of the alleged default, may, by an order in writing, fix a period for the performance of that duty.

(*2*) If that duty is not performed within the period so fixed, the Chief Commissioner may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the District Council.

(*3*) If the expense and remuneration are not so paid, the Chief Commissioner may make an order directing the person having the custody of the balance of the District Fund to pay the expense and remuneration, or as much thereof as is possible, from that balance.

Power to supersede Council or Board in case of incompetency, default or abuse of powers.

32. (*1*) If a District Council or Local Board is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Act or otherwise by law, or exceeds or abuses its powers, the Chief Commissioner may, with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the local official Gazette, declare the Council or Board to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(*2*) When a District Council or Local Board is so superseded, the following consequences shall ensue:—

(*a*) all members of the Council or Board shall, as from the date of the order, vacate their offices as such members;

(*b*) all powers and duties of the Council or Board may, during the period of supersession, be exercised and performed by such person or persons as the Chief Commissioner from time to time appoints in that behalf;

(*c*) where a Council is superseded, all property vested in it shall, during the period of supersession, vest in Her Majesty.

(*3*) On the expiration of the period of suspension specified in the order, the Council or Board shall be re-established by appointment or election, and the persons who vacated their offices under clause (*a*) shall not be deemed disqualified for appointment or election.

33. In all matters connected with this Act, the Commissioner shall have and exercise the same authority and control over the Deputy Commissioners subordinate to him as he has and exercises over them in the general and revenue administration.

Powers of Commissioner.

Rules.

34. The Chief Commissioner may, from time to time, make rules consistent with this Act and with reference (if necessary) to the varying circumstances of different local areas—

Power of Chief Commissioner to make rules as to District Councils, Local Boards and school committees.

(*a*) as to the qualifications, mode and time of election or appointment, term of office, and remuneration and allowances (if any) of members of District Councils and Local Boards, and as to the filling of casual vacancies in such Councils and Boards, and as to the number of the representative members for each circle or group of circles, and as to the number of the representatives of the mercantile classes or professions to be elected or appointed to each Local Board or District Council;

(*b*) as to the appointment, powers and duties of school committees, the term of office of members of such committees and the mode of removing them;

(*c*) as to the conduct of proceedings of District Councils, Local Boards and school committees, including the fixing of a quorum, the giving of the casting vote in cases of equal division, the minimum number of meetings to be held and the maximum interval between successive meetings, the formation of committees other than school committees and the delegation of powers to such committees;

(*d*) as to the mode of entering into and executing contracts and transfers of property on behalf of District Councils, and the authority on which money may be paid from the District Fund;

(*e*) as to the appointment and payment of auditors of the accounts of District Councils and Local Boards;

(*f*) as to the apportionment of the District Fund between the general purposes of the district and the purposes of particular parts of the district, and the appropriation of funds raised in a particular area to the purposes of that area; and,

(*g*) generally, for the guidance of District Councils, Local Boards, school committees and Government officers in all matters connected with the administration of this Act and for settling their relations to one another.

Procedure for making rules under section 34.

35. The Chief Commissioner shall, before making any rules under section 34, publish, in such manner as may in his opinion be sufficient for giving information to persons interested, a draft of the proposed rules together with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

Exceptional Provision.

Power under special circumstances to except districts from operation of Act.

36. If the circumstances of any district or part of a district are, in the opinion of the Chief Commissioner, such that any of the provisions of this Act are unsuited thereto, he may, by order in writing, except[a] the district or part from the operation of those provisions; and thereupon those provisions shall not apply to the excepted district or part until again applied thereto by a subsequent order of the Chief Commissioner.

Supplemental Provisions.

Acquisition of land.

37. Where any land is required for the purposes of this Act, the Chief Commissioner may, on the request of the District Council, proceed to acquire it under the provisions of the Land Acquisition Act, 1870[b]; and, on payment by the District Council of the compensation awarded under that Act, the land shall vest in the District Council. X of 1870.

Penalty on member, officer or servant being interested in contracts made with Council, Board or committee.

38. If any member, officer or servant of a District Council, Local Board or joint committee appointed under this Act is, otherwise than with the permission in writing of the Commissioner, directly or indirectly interested in any contract made with that Council, Board or committee, he shall be deemed to have committed an offence under the Indian Penal Code[c], section 168. XLV of 1860.

Publication of rules and orders.

39. (1) All rules and orders made by the Chief Commissioner under this Act shall be published in the official Gazette both in English and in such native languages as the Chief Commissioner may direct.

(2) The publication in the official Gazette of a rule purporting to be made by the Chief Commissioner under section 34 shall be conclusive evidence that it has been made as required by section 35.

(a) For list of such exceptions, see Appendix I.
(b) Printed, General Acts, 1867-76, Ed. 1887, p 177.
(c) For Act XLV of 1860, see the revised edition, as modified up to the 1st August, 1890, published by the Legislative Department.

(*Supplemental Provisions. Sec. 40. Rates payable under Settlement-record. Secs. 41-42. Amendment of the Northern India Ferries Act, 1878. Secs. 43-44.*)

40. The several District Councils and Local Boards under this Act shall come into existence at such time [a] as the Chief Commissioner, by order, appoints in that behalf.

Time for Councils and Boards coming into existence.

Rates payable under Settlement-record.

41. (*1*) All rates for the maintenance of roads, schools or the district post, for the payment of which provision [b] is made in any settlement-record, [b] shall be deemed to have been legally imposed, and shall be recoverable as if they were arrears of land-revenue payable directly to Government and due on the land in respect of which they are payable.

Confirmation and recovery of existing rates, and accounts of same.

(*2*) An account of the gross receipts and of the charges (if any) of collection of all such rates in each district shall be kept by the Deputy Commissioner of that district, and shall be annually rendered by him to the District Council of that district.

42. The Chief Commissioner may, from time to time, by notification in the official Gazette,—

Powers of Chief Commissioner with respect to rates.

(*a*) prescribe in what instalments, and at what times, the rates referred to in section 41 shall be payable, and make rules for their collection by village-officers or others; and

(*b*) exempt any land from liability to pay the whole or any part of any such rate, and vary or cancel any such exemption.

Amendment of the Northern India Ferries Act, 1878.

XVII of 1878.

43. After section 7 of the Northern India Ferries Act, 1878, the following shall be inserted, namely :—

New section to follow section 7 of Act XVII of 1878.

[Printed *supra*, p. 86.]

44. In section 6 of the same Act, after the words "section 7", and in section 17 of the same Act, after the words "section 7", where they first occur, the following shall be inserted, namely :—"and section 7A".

Amendment of sections 6 and 17 of same Act.

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[a] For dates, see Appendix I.

[b-b] These words in s. 41 (*1*) were substituted for the original words by Act XVI of 1889, s. 41, printed *infra*, p. 280.

THE CENTRAL PROVINCES TENANCY ACT, 1883.

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THE SCHEDULE.—ACTS REPEALED.

ACT No. IX OF 1883.[a]

Received the assent of the Governor General on the 22nd June, 1883.

An Act to consolidate and amend the law relating to Agricultural Tenancies in the Central Provinces.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to agricultural tenancies in the Central Provinces; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title

1. (*1*) This Act may be called the Central Provinces Tenancy Act, 1883; and

Local extent.

(*2*) It extends to all the territories for the time being administered by the Chief Commissioner of the Central Provinces.[b]

Commencement.

(*3*) This Act shall come into force on such day[c] as the Chief Commissioner, with the previous sanction of the Governor General in Council, may by notification in the local official Gazette direct.

Nevertheless, any notification, rule, order or appointment to an office may be made under this Act at any time after the passing thereof, but shall not take effect before this Act comes into force.

Repeal of Acts.

2. On and from the day on which this Act comes into force, the Acts mentioned in the schedule hereto annexed shall be repealed.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "land" means land which is let or occupied for agricultural purposes or for purposes subservient to agriculture, and includes the sites of buildings appurtenant to such land:

(*2*) "tenant" means a person who holds land of another person, and is, or, but for a special contract, would be, liable to pay rent for that land to that other person. But it does not include a farmer, mortgagee or thikadár of proprietary rights:

([d]) *Explanation I.*—An inferior proprietor is not, as such, a tenant.

([d]) *Explanation II.*—The holder of a survey-number in a village let in farm

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([a]) The provisions of the General Clauses Act, 1887, s. 7 (as to computation of time) apply to Act IX of 1883 as amended by Act XVII of 1889—see Act XVII of 1889, s. 18, *infra*, p. 282

([b]) The reference to scheduled districts, which was repealed by Act XVII of 1889, s. 3 (printed *infra*, p. 281), has been omitted from s. 1 (*2*).

([c]) The 1st January, 1884—see Central Provinces Gazette, 1883, Part II, p. 218.

([d]) These explanations to s. 3, cl. (*2*), were substituted for the original explanation by Act XVII of 1889, s. 4, printed *infra*, p. 281.

by the Government, or held by a gaontia in the Sambalpúr district, is a tenant of the farmer or gaontia for the time being:

(3) "landlord" means the person of whom a tenant holds land, and to whom the tenant is, or, but for a special contract, would be, liable to pay rent for that land:

(4) "rent" means whatever is paid, delivered or rendered, in money, kind or service, by a tenant on account of the use or occupation of land let to him:

(5) "pay", "payable" and "payment", used with reference to rent, include "deliver", "deliverable" and "delivery":

(6) "arrear" means an instalment or part of an instalment of rent which is not paid on or before the date on which it is payable:

(7) "holding" means a parcel of land held by a tenant of a landlord under one lease or one set of conditions:

(8) "improvement" means, with reference to a holding, any work which adds to the letting-value of the holding, which is suitable to the holding and consistent with the purpose for which it was let, and which, if not executed on the holding, is either executed directly for its benefit, or is, after execution, made directly beneficial to it:

Explanation I.—It includes the reclaiming, enclosing or clearing of lands for agricultural purposes; but it does not include such embankments, temporary wells and water-channels as are made by tenants in the ordinary course of agriculture; and no work executed by the tenant of a holding is an improvement if it substantially diminishes the value of any other part of the estate of his landlord.

Explanation II.—A work which benefits several holdings may be deemed to be, with respect to each of them, an improvement:

(9) "Revenue-officer" and "Settlement-officer" in any provision of this Act mean respectively such Revenue-officer or Settlement-officer appointed under the Central Provinces Land-revenue Act, 1881,(a) as the Chief Commissioner may, from time to time, by notification in the official Gazette, direct by name or by virtue of his office to discharge the functions of a Revenue-officer or Settlement-officer (as the case may be) under that provision:

XVIII of 1881.

(10) "agricultural year" means the year commencing on the first day of June, or on such other date as the Chief Commissioner may, in the case of any specified local area, from time to time, by notification in the official Gazette, appoint:

(a) Printed *supra*, p. 116.

(a) (*11*) "sír-land" means—

(*a*) land which was recorded as "sír" in the papers of the last preceding settlement of the local area in which the land is situate;

(*b*) land which was not so recorded, but which at the commencement of the Central Provinces Land-revenue Act, 1889,(b) was occupied by, and had been cultivated by, the proprietor or one of the proprietors thereof for a period of not less than twelve consecutive years; XVI of 1889.

(*c*) waste-land which has been broken up by the proprietor or one of the proprietors thereof, and cultivated by him for a period of not less than six consecutive years;

and, except in section 42, includes also in the Sambalpúr district land which was recorded as "bhogra" in the papers of the last preceding settlement of the local area in which the land is situate.

Explanation I.—Land (other than bhogra) which at the commencement of the Central Provinces Land-revenue Act, 1889,(b) was unoccupied by such proprietor and which had, after the date of such settlement, or the expiration of such period of twelve years, or six years (as the case may be), been so unoccupied for a period of six consecutive years is not sír-land. Land is occupied by the proprietor when it is leased out by him with an express reservation of his sír-rights. XVI of 1889.

Explanation II.—In this definition the word "proprietor" includes the assignee of proprietary rights, and land is said to be cultivated when it is allowed to lie fallow in accordance with the usual practice of cultivation.

Explanation III.—When by any local custom land is liable to exchange or re-distribution among the cultivators thereof, land which is not sír-land and which is taken in exchange for sír-land becomes sír-land, and the sír-land given in exchange for that land ceases to be sír-land:

(*12*) "village" includes any tract of land which, at the last settlement of the same, has been recognised as a village, or which the Chief Commissioner declares to be a village for the purposes of the Central Provinces Land-revenue Act, 1881:(c) and XVIII of 1881.

(*13*) "record-of-rights" includes the supplementary administration-paper prepared at or after the time of making a settlement before the Central Provinces Land-revenue Act, 1881,(c) came into force. XVIII of 1881.

(a) This clause was substituted for the original cl. (*11*) by Act XVII of 1889, s. 5, printed *infra*, p. 281

(b) Printed *infra*, p. 277.

(c) Printed *supra*, p. 116.

CHAPTER II.

Of Tenants generally.

A—Classification of Tenants.

Classes of tenants.

(a)4. There shall be five classes of tenants, namely :—

(1) Absolute occupancy-tenants;
(2) Occupancy-tenants;
(3) Village-service tenants;
(4) Sub-tenants;
(5) Ordinary tenants.

B.—Provisions relating to Rent.

Presumption as to amount of rent payable.

5. In all suits and proceedings between landlord and tenant, the rent payable for any agricultural year by a tenant in respect of his holding shall be presumed, until the contrary is proved, to be the rent payable in respect of the holding in the agricultural year immediately preceding that year.

Date from which order fixing rent operates.

6. An order fixing, altering or commuting the rent of a holding on an application under this Act may, as the officer making the order thinks fit, take effect from the commencement of the agricultural year next following the date of the application, or from any subsequent day, or, if it is made on the ground of increase, diminution or deterioration of the holding, from the date of that increase, diminution or deterioration, or from any subsequent day.

Time for payment of rents.

7. Rents shall be payable in such instalments and on such dates as the Chief Commissioner may, from time to time, by notification in the official Gazette, prescribe, and, in the absence of any such notification applicable to the case, according to the contract between the parties, or, where there is no such contract, according to local usage.

Rents payable to a number of landlords.

8. When two or more persons are landlords of a tenant in respect of the same holding, the tenant, subject to any rule which the Chief Commissioner may, from time to time, by notification in the official Gazette, make in this behalf, and to any contract between the parties, shall not be bound to pay part of the rent of his holding to one of those persons and part to another or others; and, subject as aforesaid, those persons shall, if the tenant so desires, appoint one of their number or some other person to receive the rent.

Power to deposit rent

9. (*a*) When a landlord refuses to accept any instalment of rent payable in money when tendered to him by a tenant,

(a) This section was substituted for the original s. 4 by Act XVII of 1889, s. 6, printed *infra*, p. 281.

In certain cases with Revenue-officer.

(*b*) when a tenant, in the case mentioned in section 8, desires the appointment of a person to receive rent payable in money and the appointment is not made within a reasonable time, and

(*c*) when a tenant in any case is doubtful as to the person entitled to receive rent payable in money,

the tenant may apply to a Revenue-officer for permission to deposit in his Court the amount of rent which he believes to be due; and that officer shall receive the deposit, if it appears to him, after examining the applicant, that he had reasonable grounds for making the application, and that it was made in good faith, and if the applicant pays the fee (if any) chargeable for the issue of the notice next hereinafter referred to.

Effect of depositing rent.

10. (*1*) When a deposit has been so received, it shall be deemed to be a payment made by the tenant to his landlord in respect of rent due.

(*2*) The officer receiving the deposit shall give notice of the receipt thereof to every person who he has reason to believe claims or is entitled to the deposit, and may pay the amount thereof to any person appearing to him to be entitled to the same, or may, if he thinks fit, retain the deposit pending the decision of a Civil Court as to the person so entitled.

(*3*) No suit or other proceeding shall be instituted against the Secretary of State for India in Council, or against any officer of the Government, in respect of anything done by a Revenue-officer under this section; but nothing in this clause shall prevent any person entitled to receive the amount of any such deposit from recovering the same from a person to whom it has been paid by a Revenue-officer.

Penalty for levy of anything in excess of rent by landlord.

11. Every tenant from whom, except under any special enactment for the time being in force, anything is levied by his landlord in excess of the rent legally payable, shall be entitled to recover from the landlord such sum as the Court thinks fit, not exceeding five hundred rupees, or, when double the amount or value of what is so levied exceeds five hundred rupees, not exceeding double that amount or value.

Penalty for refusing receipt, or giving defective receipt.

12. If a landlord refuses a receipt for rent paid by a tenant, or grants a receipt but refuses or neglects to specify therein the holding, and the period or crop, in respect of which the payment is made, or the amount paid, the tenant shall be entitled to recover from him such sum, not exceeding double the amount or value of the rent so paid, as the Court thinks fit.

Enhancement of rent when productive power of holding in-

13. Notwithstanding anything in the record-of-rights, but subject to any contract in writing between the parties, the rent payable in money by any tenant may, on the application of his landlord, be enhanced by a Revenue-officer on the ground that an improvement has been made in accordance with

this Act by or at the expense of the landlord whereby the productive power of the holding has been increased. creased by landlord.

14. When the area of a holding the rent of which is payable in money is increased or diminished by the encroachment of the tenant or the landlord, or by fluvial action or otherwise, or the soil of a holding is, without the fault of the tenant, permanently deteriorated by a deposit of sand or other like calamity, a Revenue-officer may, notwithstanding anything in the record-of-rights or any contract between the parties, by order, on the application of the landlord or of the tenant, alter the rent with reference to that increase, diminution or deterioration. Power to alter rent when holding is increased, diminished or deteriorated.

15. When a landlord grants a lease, or makes any other contract fixing the rent of any holding, and, while the lease or contract is in force,— Power to alter rent in case of new assessement.

(*a*) land-revenue is for the first time made payable in respect of the holding, or

(*b*) land-revenue having been previously payable in respect of it, the revenue payable when the lease or other contract was granted or made is increased or diminished,

a Revenue-officer may, notwithstanding anything in the record-of-rights or any contract between the parties, by order, on the application of the landlord or of the tenant, alter the rent with reference to the revenue.

16. (*1*) In all cases in which an absolute occupancy-tenant or occupancy-tenant pays rent for a holding in kind, or on the estimated value of a portion of the crop, or at rates varying with the crop, or partly in one of those ways and partly in another or others, the landlord or tenant may, notwithstanding anything in the record-of-rights or any contract between the parties, other than a contract whereby waste-land is let for the purpose of reclamation, apply during the progress of a settlement to a Settlement-officer, or at any other time, if the Chief Commissioner thinks fit to appoint a Revenue-officer in this behalf, to that officer, to commute the rent to a fixed money-rent. Commutation of rent payable in kind.

(*2*) On the receipt of the application, the officer shall determine the sum to be paid as money-rent, and shall order that the tenant shall, in lieu of paying his rent in kind, or otherwise as aforesaid, pay the sum so determined.

(*3*) If the application is opposed, the officer may, for reasons to be recorded by him in writing, refuse to grant the same.

C.—Of the Landlord's Lien on the Produce of a Holding.

17. In sections 18 to 24 (both inclusive) the produce of a holding means— Definition of produce of a holding.

(*a*) crops and other products of the earth standing or ungathered on the holding;

(*b*) crops and other products of the earth which have been grown on the holding and have been reaped or gathered and are deposited on the holding or on a threshing-ground, or are stored, by a tenant of the land on which they have been grown, within the village in which the holding is situate or the tenant resides.

Power of landlord, by notice, to prohibit removal of produce.

18. Where an arrear is due in respect of a holding, the landlord may, by notice served as hereinafter provided, prohibit the removal of the produce of the holding:

Provided that—

first, such a prohibition shall not be made on account of an arrear which has been due for a longer period than one year, or in respect of any produce which is under attachment by order of any Court; and

secondly, such a prohibition shall not be made more than once in respect of the same produce on account of the same arrear.

Contents and service of notice; time for which it remains in force.

19. (*1*) Every notice under section 18 shall be in writing, and shall specify the amount of the arrear claimed, the period for which, and the holding in respect of which, it is claimed; and, when an amount in excess of the rent payable by the tenant in the last preceding agricultural year is claimed, the decree, order or agreement, as the case may be, for the payment of that amount.

(*2*) The notice shall be served on the person in charge of the produce, and shall remain in force until the rent specified in the notice is paid, or, if that rent is not previously paid, until the expiration of thirty-five days from the date of service of the notice.

Right to reap, &c., produce not affected.

20. A notice under section 18 shall not prevent any person from reaping, gathering or storing any produce, or doing any other act necessary for its due preservation.

Effect of instituting suit for rent while notice is in force.

21. If, while the notice is in force, the landlord institutes a suit for the recovery of the rent, the notice shall continue in force until the Court trying the suit otherwise directs; and, if the landlord obtains a decree in the suit, the amount of that decree shall be the first charge upon the produce.

Procedure when produce is under attachment.

22. (*1*) If the produce of the holding on which the arrear is due is under attachment by order of a Court, the landlord may apply to the Court to sell the produce and pay to him out of the proceeds of the sale thereof the amount or value of—

(*a*) any rent which has fallen due to him in respect of the holding within the year immediately preceding the application; and

(*b*) the instalment of rent falling due next after the time at which in the ordinary course of agriculture the produce would be harvested.

And the Court, if on enquiry it finds the landlord's claim to the whole or any part of the rent to be proved, shall sell the produce or such portion thereof as it may deem necessary, and shall apply the proceeds of the sale in the first instance to satisfy the claim.

(*2*) The finding of a Court on an enquiry under this section shall have the force of a decision in a suit between the parties.

Conflict between rights of superior and inferior landlord.

23. Where land is sublet and any conflict arises under sections 18 to 22 (both inclusive) between the rights of a superior and of an inferior landlord the right of the superior landlord shall prevail.

Penalty for illegal distraint by landlord, and for illegal removal of produce.

24. (*1*) Any landlord of a holding who distrains or attempts to distrain the produce of the holding, or prevents or attempts to prevent, otherwise than in accordance with this Act, any person from reaping, gathering, storing, removing or otherwise dealing with any produce of the holding, and

where a notice in respect of the produce of a holding has been served under section 19 and is in force, any person who, knowing or having reason to believe that the notice is in force, removes, attempts to remove or abets the removal of the produce, except for any of the purposes mentioned in section 20,

shall be punished with fine which may extend to five hundred rupees.

(*2*) Nothing in this section, and, except as provided in section 546 of the Code of Criminal Procedure,(a) no proceeding under this section, shall affect the right of any person to recover compensation in a civil suit.

X of 1882.

D.—Commissions for dividing or estimating Crops.

Commission for dividing or estimating crops.

25. Whenever rent is taken by division of the produce, or by estimate or appraisement of the crop, if either the landlord or the tenant neglects to attend, either personally or by agent, at the proper time for making the division, estimate or appraisement, or if there is a dispute about the division of the produce or the quantity or value of the crop, a Revenue-officer may, on the application of either party, issue a commission to such person as the officer thinks fit, directing him to divide, estimate or appraise the crop.

Appointment of assessors, &c.

26. (*1*) When a Revenue-officer appoints a commissioner for any of the purposes mentioned in section 25, the officer may, in his discretion, direct the commissioner to associate with himself any other persons as assessors, and may give him instructions regarding the number, qualifications and mode of selecting those assessors (if any), and the procedure to be followed in making the division, estimate or appraisement.

(a) For Act X of 1882, see the revised edition, as modified up to the 15th December, 1888, published by the Legislative Department.

(2) The commissioner so appointed shall make the division, estimate or appraisement in accordance with those instructions.

Remedy for error in division.

27. (1) If in any division under the foregoing provisions either party receives less than the share to which he is entitled, he may, within three months from the date on which the division is completed, institute a suit against the other party to recover the value of the additional portion of the crop due to him at the price which prevailed on that date.

(2) If no such suit is instituted within the said period of three months, the division shall for all purposes be deemed, as between the parties thereto, to have been rightly made.

Procedure when crop has been estimated or appraised.

28. (1) When a crop has been estimated or appraised under the foregoing provisions, the estimate or appraisement shall be reduced to writing and signed by the commissioner making the same, and shall be submitted to the Revenue-officer by whom the commission was issued.

(2) The Revenue-officer shall consider the commissioner's report, and, after such hearing and enquiry (if any) as he may think necessary, shall pass an order thereon either confirming or varying the estimate or appraisement, and that order shall be final.

E.—Of Improvements and Compensation therefor.

Right to make improvements.

29. (1) In respect of the holding of an absolute occupancy-tenant or occupancy-tenant, the tenant, and in respect of the holding of an ordinary tenant, the landlord, shall be entitled to make improvements.

(2) If an ordinary tenant whose holding does not consist entirely of sír-land, or the landlord of an absolute occupancy-tenant or of an occupancy-tenant, desires that any improvement be made in respect of the holding, he may deliver, or cause to be delivered, to his landlord or tenant, as the case may be, a request in writing calling upon him to make the improvement within a reasonable time, and, if he is unable or neglects to comply with that request, may, subject to such rules of procedure as the Chief Commissioner from time to time, by notification in the official Gazette, prescribes in this behalf, make the improvement himself.

Liability to pay to tenant on ejectment compensation for improvements.

30. (1) If an absolute occupancy-tenant, occupancy-tenant or ordinary tenant is ejected from his holding, he shall be entitled to compensation for improvements which he or the persons under whom he claims may have made in accordance with this Act or with the landlord's consent otherwise than in accordance with this Act, and for which compensation has not already been made.

(2) Whenever a Court makes a decree or order for the ejectment of a

tenant, it shall determine the amount of compensation (if any) due under this section to the tenant for improvements, and shall make the decree or order of ejectment conditional on the payment of that amount to the tenant.

(*3*) No compensation shall be claimable under this section for an improvement where the tenant has made the improvement in pursuance of a contract binding him, in consideration of some substantial advantage to be obtained by him, to make the improvement without compensation, and has obtained that advantage.

(*4*) Improvements made by a tenant before this Act comes into force, in lands other than sír-land, shall be deemed to have been made in accordance with this Act, unless it is shown that the landlord forbade the tenant to make the improvement and was ready to make it himself.

Assessment of compensation.

31. (*1*) The Chief Commissioner may, from time to time, by notification in the official Gazette, make rules requiring the Court to associate with itself, for the purpose of estimating the compensation to be awarded under section 30 for an improvement, such number of assessors as the Chief Commissioner thinks fit, and determining the qualifications of those assessors and the mode of selecting them.

(*2*). In estimating the compensation to be awarded under section 30 for an improvement, regard shall be had—

(*a*) to the amount by which the letting value, or the produce, of the holding, or the value of that produce, is increased by the improvement;

(*b*) to the labour and capital required for the making of such an improvement; and

(*c*) to any reduction or remission of rent or other advantage given by the landlord to the tenant in consideration of the improvement.

(*3*) When the amount of the compensation has been assessed, the landlord and tenant may, if they think fit, agree that, instead of being paid wholly in money, it shall be made wholly or partly in some other way.

Avoidance of provisions barring right to make, or be compensated for, improvements.

32. An entry in the record-of-rights of any village or a stipulation in a contract providing—

(*a*) that a landlord shall be entitled to prevent a tenant from making, or to eject him for making, such improvements on his holding as he is entitled to make under this Act, or

(*b*) that a tenant ejected from his holding shall not be entitled to compensation for improvements in any case in which he would, under this Act, be entitled to such compensation,

shall be void.

F.—Miscellaneous.

Surrender of holdings.

33. (*1*) Any tenant not bound by a lease or other agreement for a fixed period may, at the end of any agricultural year, surrender his holding.

(*2*) But notwithstanding the surrender the tenant shall continue to be liable for the agricultural year next following the date of the surrender for the rent of the holding, unless he gives to his landlord, at least thirty days before he surrenders, notice of his intention to surrender.

(*3*) In the following cases the Court shall presume that such notice was so given, that is to say:—

(*a*) if the tenant takes a new holding in the same village from the same landlord during the agricultural year next following the surrender;

(*b*) if the tenant ceases, at least thirty days before the end of the agricultural year at the end of which the surrender is made, to reside in the village in which the surrendered holding is situate; and

(*c*) if the landlord himself, at any time during the agricultural year next following the surrender, cultivates or lets to another tenant the holding or any part thereof.

[a](*4*) A tenant of a survey-number in a village let in farm by the Government, or held by a gaontia in the Sambalpúr district, shall be deemed to have surrendered his holding if he refuses to agree to the rent fixed under this Act for the holding, but shall not continue liable under sub-section (*2*) for the rent of his holding.

Where land uncultivated and rent unpaid, tenant's right to be deemed surrendered.

34. Any tenant other than an absolute occupancy-tenant who leaves his holding uncultivated and the rent of it unpaid for a period of two years shall, at the expiration of that period, be deemed to have surrendered the holding:

Provided that, in reckoning that period, any time during which, owing to an inundation or any other accident to the land beyond the tenant's control, it may have been impossible to cultivate the land, shall be excluded.

Tenant taking thíka or farm.

35. When a person, at the time of taking a thíka or farm, is a tenant of any land comprised therein, his interest as tenant shall not be affected by reason only of his taking the thíka or farm.

Provisions regarding tenant-right not applicable to tenant of land in reserved forests.

[b]35A. Nothing in this Act regarding the rights of an absolute occupancy-tenant, an occupancy-tenant or an ordinary tenant shall be deemed to apply to the tenant of any land situate within the limits of any forest-land or waste-land which has been declared to be a reserved forest under the Indian Forest Act, 1878.[c] VII of 1878.

(a) Sub-s. (*4*) of s. 33 was added by Act XVII of 1889, s. 7, printed *infra*, p. 281.

(b) S. 35A was inserted by Act XVII of 1889, s. 8, printed *infra*, p. 281.

(c) For Act VII of 1878, see the revised edition, as modified up to the 1st July, 1890, published by the Legislative Department.

CHAPTER III.

Of Absolute Occupancy-tenants.

36. Every person who, on the day when this Act comes into force,(a) is the tenant of any holding in respect of which he, or a person whose rights he has acquired, has been recorded in any record-of-rights made before that day as an "absolute occupancy-raiyat," or in terms equivalent thereto, shall, unless he has parted with his rights, be deemed to be an absolute occupancy-tenant of that holding.

Definition of absolute occupancy-tenant.

37. (*1*) The rent of the holding of every absolute occupancy-tenant shall be fixed by the Settlement-officer at each settlement of the area in which the holding is comprised, and the rent so fixed shall not be altered during the currency of the settlements, except under the provisions of section 13, section 14 or section 16.

Rents fixed for period of settlement.

(*2*) The rent payable by any such tenant in respect of his holding when this Act comes into force(a) shall be deemed to have been fixed at the last preceding settlement of the area in which his holding is comprised.

38. (*1*) The right of an absolute occupancy-tenant in his holding shall on his death devolve as if it were land, and shall be transferable subject to the conditions contained in this section.

Right heritable and transferable after notice to landlord, who may claim to purchase.

(*2*) If an absolute occupancy-tenant intends to transfer any right in his holding by sale or gift, or by mortgaging the same for a sum which, together with the interest payable thereon during the five years immediately succeeding the mortgage and the previous sums (if any) secured by mortgage of it, would exceed eight times the annual rent of the holding, or by sub-letting the same in consideration of a fine or premium exceeding five times that rent, he shall give to his landlord a written notice of his intention, and shall defer proceeding with the transfer for a period of one month from the date on which the notice is given.

(*3*) If the intended transfer is by sale or gift, the landlord may, within the said period of one month,—

(*a*) claim to purchase the absolute occupancy-right at such value as a Revenue-officer may, on application made to him in this behalf, fix; or

(*b*) permit the sale or gift, in which case he shall be entitled to a sum equal to the rent for one year, and that sum shall be a first charge on the holding.

(*4*) If the intended transfer is by mortgage or sub-lease, the landlord

(a) *i.e.*, the 1st January, 1884—see Central Provinces Gazette, 1883, Part II, p. 218.

may, within the said period of one month, claim to purchase the absolute occupancy-right at such value as a Revenue-officer may, on application made to him in this behalf, fix.

(*5*) When the right of an absolute occupancy-tenant in his holding is sold [a] or is foreclosed [a] by order of a Civil Court in execution of a decree other than a decree obtained by his landlord, the landlord shall have the same right of pre-emption as is given in the case of a sale by sub-section (*5*), clause (*a*).

(*6*) When an application is made to a Revenue-officer under this section to fix the value of an absolute occupancy-right which is already mortgaged, he shall fix the value of the right as if it were not mortgaged; and, if the landlord purchases the right, the mortgage-debt shall be a charge on the purchase-money in exoneration of the land.

(*7*) Any transfer made in contravention of this section [b] shall be void as against the landlord. [b]

Absolute occupancy-tenant not liable to ejectment.

39. Notwithstanding any contract to the contrary, or any provision of a record-of-rights, an absolute occupancy-tenant shall not be ejected from his holding by his landlord as such for any cause.

Rent first charge on holding.

40. The rent of the holding of an absolute occupancy-tenant shall be a first charge on that holding.

CHAPTER IV.

Of Occupancy-tenants.

Definition of occupancy-tenant.

41. Every tenant who, when this Act comes into force [c], has held the same land continuously for twelve years, otherwise than as an absolute occupancy-tenant or a sub-tenant, and every person who is, when this Act comes into force, [c] or thereafter becomes, a tenant (not being an absolute occupancy-tenant or a sub-tenant) of land in the districts of Chánda, Nimár and Sambalpúr, shall be deemed to be an occupancy-tenant of that land:

Provided that the land is not—

(*a*) sír-land, or

(*b*) held in lieu of wages, or

(*c*) held, in any district other than Sambalpúr, under a written lease in which it is expressly agreed that a right of occupancy in the land shall not be acquired, or that the tenant shall quit the land at the termination of the lease.

[a-a] These words in s. 38 (*5*) were inserted by Act XVII of 1889, s. 9, printed *infra*, p. 281.

[b-b] These words in s. 38 (7) were substituted for the original words by Act XVII of 1889 s. 9, printed *infra*, p. 281.

[c] *i.e.*, the 1st January, 1884—see Central Provinces Gazette, 1883, Part II, p. 218.

Explanation I.—The occupation of any person from whom the tenant inherited his holding is, for the purposes of this section, deemed to be the occupation of the tenant.

Explanation II.—Where, by the custom of any village, the holdings of tenants are, or have been, liable to periodical re-distribution, land which a tenant or any person under whom he claims has, in accordance with that custom, from time to time, received in exchange for land previously held by him is, for the purpose of calculating, under this section, the period of twelve years, deemed to be the same land as the land which he held before the exchange.

Cases in which ex-proprietors become occupancy-tenants of their sír-land.

42. Every person whose proprietary rights in land comprising sír-land are, after this Act comes into force,[a] transferred in any of the following cases, namely:—

(*a*) when he sells those rights without expressly agreeing to transfer his right to cultivate the sír-land,

(*b*) when those rights are sold for an arrear of land-revenue,

(*c*) when those rights are sold in execution of any decree which does not expressly direct the sale of his rights in the sír-land,

shall become an occupancy-tenant of that sír-land, and the rent payable by him as such shall be fixed by a Revenue-officer on application made by him or by his landlord.

Devolution and transfer of occupancy-right.

43. (*1*) When an occupancy-tenant dies, his right in his holding shall devolve as if it were land:

Provided that, except in the districts of Chánda, Nimár and Sambalpúr, a collateral relative of the tenant shall not be entitled to inherit that right, unless at the death of the tenant he was a co-sharer in the holding.

(*2*) A transaction by which an occupancy-tenant attempts to effect a transfer of property in respect of his holding by sale, gift, mortgage, sub-lease or otherwise [b]shall be void as against his landlord, unless—

(*a*) it is entered into with the landlord's consent,[b] or

(*b*) the transfer is one to a person who, if he survived the tenant, would inherit the right of occupancy, or between persons in favour of whom, as co-sharers, the right of occupancy originally arose, or who have become, by succession, co-sharers therein.

(*3*) The right of an occupancy-tenant shall not be sold in execution of a decree.

Rent of occu-

44. The rent of the holding of every occupancy-tenant shall be fixed by the

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[a] *i.e.*, the 1st January, 1884—see Central Provinces Gazette, 1883, Part II, p. 218.

[b-b] These words in s. 43 (*2*) were substituted for the original words by Act XVII of 1889, s. 10, printed *infra*, p. 281.

pancy-tenant to be fixed at settlement.

Settlement-officer at each settlement of the area in which the holding is comprised.

Fixation of rents during currency of settlement in Chánda, Nimár and Samalpúr.

45. (*1*) In the districts of Chánda, Nimár and Sambalpúr, the rent fixed under section 44 shall not be altered during the currency of any settlement except under section 13, section 14 or section 16.

(*2*) The rent payable in respect of his holding by a tenant in any of those districts when this Act comes into force(a) shall be deemed to have been fixed at the last preceding settlement of the area in which that holding is comprised.

(*3*) Subject to the provisions of sections 13, 14 and 16, the rent payable by any such tenant in respect of a holding acquired by him after this Act comes into force(a) shall, pending the recurrence of the settlement of the area in which that holding is comprised, be the rent fixed by agreement between him and his landlord at the time he acquires that holding, or in the absence of any such agreement, or on the expiration of the term for which any such agreement has been made, a rent fixed by a Revenue-officer, on the application of either party, at the following rate, that is to say :—

(*a*) in the districts of Chánda and Nimár, the rate which the Chief Commissioner has prescribed for occupancy-tenants and caused to be entered in the record-of-rights at the last settlement;

(*b*) in the district of Sambalpúr, the average rate at which at the last settlement the rents of other lands in the same village of similar quality and possessing similar advantages were fixed.

Enhancement during currency of settlement in other districts.

46. The rate of rent payable in money by an occupancy-tenant in any other district may, during the currency of a settlement, on the application of the landlord to a Revenue-officer, be enhanced subject to the rules made under section 82 and for the time being in force:

Provided that—

(*a*) an application under this section shall not be entertained when the rent of the holding has within the ten years immediately preceding the application been fixed under any provision of this Act except section 13 or section 14, or under any Act hereby repealed; and

(*b*) no order shall be made on any such application which is inconsistent with any contract made after the last preceding settlement and still in force.

Tenant's improvements how treated in fixing rent.

47. When the land in respect of which an application is made under section 45 or section 46 has been improved in accordance with this Act by the agency or at the expense of the tenant, the quality and advantages of the land

(a) *i.e.*, the 1st January, 1884—see Central Provinces Gazette, 1883, Part II, p. 218.

shall, notwithstanding anything contained in any contract or record-of-rights be deemed, for the purposes of that section, to be the quality and advantages which the land would have had and enjoyed if the improvements had not been made,

48. Notwithstanding any contract to the contrary or any provision of a record-of-rights, an occupancy-tenant shall not be ejected from his holding by his landlord as such except,— Grounds for ejectment.

(*a*) as hereinafter provided, for arrears of rent; or

(*b*) in execution of a decree of a Civil Court passed on the ground of his having diverted the land to non-agricultural purposes, or being chargeable with some other act or omission which, by custom not inconsistent with this Act or with any other enactment for the time being in force, renders him liable to be ejected.

49. A tenant having a right of occupancy in land situate in a village in which the holdings of tenants are by custom liable to periodical re-distribution, and exchanging that land in accordance with the custom for other land situate in the same village, shall be deemed to have a right of occupancy in the land so taken in exchange. Tenant changing land in accordance with village-custom.

50. If a tenant having a right of occupancy in any land ceases to hold that land, and thereupon commences to hold other land of the same landlord under circumstances from which it may be inferred that the tenant has accepted that other land in lieu of, and on the same conditions as, the land which he has ceased to hold, he shall, in the absence of a written agreement to the contrary, be deemed to have a right of occupancy in the land which he so commences to hold. Tenant changing land in other cases.

CHAPTER IVA.(a)

Of Village-service Tenants.

50A. A tenant of a holding who has been recorded at the last preceding settlement of the area in which the holding is comprised as holding his land rent-free or on favourable terms on condition of rendering village-service is a village-service tenant. Definition of village-service tenant.

50B. (*1*) When a village-service tenant dies, his right in his village-service holding shall pass to his successor in office. Devolution and transfer of village-service tenant's right.

(*2*) A transaction by which a village-service tenant attempts to effect a

(a) Chap. IVA was inserted by Act XVII of 1889, s. 11, printed *infra*, p. 281.

transfer of property in respect of his village-service holding by sale, gift, mortgage, sub-lease or otherwise except by a sub-lease from year to year shall be void, and the village-service tenant shall be liable to be ejected for such attempt.

(*3*) The right of a village-service tenant shall not be sold in execution of a decree.

Obligation of village-service tenant to provide substitute.

50C. If a village-service tenant is unable to render the service which he is bound to render, he shall provide a competent person to render it for him.

Grounds on which a village-service tenant may be ejected.

50D. A village-service tenant shall not be ejected from his holding except in execution of an order for ejectment passed by a Revenue-officer on one of the following grounds, namely:—

(*a*) that the tenant has attempted to effect a transfer of his holding in contravention of section 50B, sub-section (*2*);

(*b*) that the tenant has ceased to render the service which he is bound to render, or has failed to render it properly, or, being unable to render it himself, has failed to provide a competent person to render it as required by section 50C;

(*c*) that the tenant has diverted his land to non-agricultural purposes or is chargeable with some other act or omission which by local custom or the provisions of the village wajib-ul-arz renders him liable to be dismissed from office.

CHAPTER V.

Of Sub-tenants.

Definition of sub-tenant.

(a)**51.** (*1*) A tenant who is not an absolute occupancy-tenant or an occupancy-tenant and who holds land from another tenant, or from a málik-makbúzá, or from the holder of a survey-number, is a sub-tenant of that land.

(*2*) In sub-section (*1*) the expressions "málik-makbúzá" and "survey-number" have the meanings respectively assigned to them in section 4, clauses (*6a*) and (*10*),(b) of the Central Provinces Land-revenue Act, 1881, as amended by the Central Provinces Land-revenue Act, 1889. XVIII of 1881. XVI of 1889.

Tenure according to agreement.

52. A sub-tenant shall, subject to the provisions of sections 7, 14 and 15 hold on such terms as may be agreed upon between him and his landlord.

(a) This section was substituted for the original s. 51 by Act XVII of 1889, s. 12, printed *infra*, p 281.

(b) Printed *supra*, p. 118.

CHAPTER VI.

Of Ordinary Tenants.

Definition of ordinary tenant.

[a]**53.** (*1*) Every tenant who is not an absolute occupancy-tenant, or an occupancy-tenant, or a village-service tenant or a sub-tenant, is an ordinary tenant.

(*2*) In any local area in which the Local Government declares by notification in the official Gazette that this sub-section is in force, where a person cultivates land not being sír-land under an agreement made with the proprietor of the land and purporting to be an agreement for the cultivation of the land by such person and such proprietor in partnership, such person is an ordinary tenant of the land so cultivated by him, and, notwithstanding any contract to the contrary, the rent payable by him for the land shall be fixed by a Revenue-officer on application made by him or his landlord.

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Rent of ordinary tenant regulated by agreement.

54. An ordinary tenant shall, subject to the provisions of sections [b]13, 14, 15 and 54A,[b] pay such rent as may, from time to time, be fixed by agreement between him and his landlord.

Landlord's right to recover rents determined at settlement as payable by ordinary tenants.

[c]**54A.** (*1*) A Settlement-officer may for the purposes of the land-revenue assessment determine the rents payable by the ordinary tenants of a mahál, and, when he has based the assessment on those rents, the landlord shall be entitled to recover the same on and from the date on which the assessment takes effect.

(*2*) The rents determined under sub-section (*1*) shall be recorded in the proceedings of the Settlement-officer, and a copy of the record shall be granted free of expense to the landlord.

(*3*) When under this section the rent of a tenant has been enhanced by the Settlement-officer, it shall not be enhanced under this Act by the landlord for a period of seven years from the date of the order of the Settlement-officer making the enhancement.

Grounds on which an ordinary tenant may be ejected.

55. Notwithstanding any contract to the contrary or any provision of a record-of-rights, an ordinary tenant shall not be ejected from his holding by his landlord as such except—

(*a*) as provided in the case of an occupancy-tenant in section 48;

(*b*) in execution of a decree for ejectment passed on the ground that he

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[a] This section was substituted for the original s. 53 by Act XVII of 1889, s. 13, printed *infra*, p. 282.

[b-b] These references in s. 54 were substituted for the original references by Act XVII of 1889, s. 14, printed *infra*, p. 282.

[c] S. 54A was inserted by Act XVII of 1889, s. 15, printed *infra*, p. 282.

has refused to agree to an enhancement of rent demanded by his landlord in accordance with the provisions next hereinafter contained, or that the holding consists entirely of sír-land.

Notice of enhancement to be served through Civil Court.

56. When a landlord wishes to enhance the rent of an ordinary tenant whose holding does not consist entirely of sír-land and whose rent is not fixed by an agreement in writing, and the tenant does not agree to the enhancement, the landlord may cause to be served on the tenant through the Civil Court a notice of the enhancement not less than six months before the commencement of the agricultural year in which the landlord desires the enhancement to take effect.

Liability of tenant to ejectment in default of his agreeing to enhancement.

57. (*1*) If, within the period of one month from the service of a notice under section 56, the tenant on whom the notice has been served presents to the Court issuing the notice a statement in writing declaring his willingness to pay the enhanced rent, he shall be deemed to have agreed to pay that rent from the commencement of the agricultural year next following.

(*2*) If the tenant does not, within the said period of one month, present to the Court a statement as aforesaid, the landlord may, not less than ten weeks before the commencement of the agricultural year next following, institute a suit to eject the tenant.

Procedure in ejectment-suit.

58. (*1*) If in any suit instituted under section 57 the defendant appears and agrees to pay the enhanced rent demanded, his agreement shall thereupon be recorded, and he shall not be ejected, but shall be liable to pay that rent from the commencement of the agricultural year next following the date of the agreement.

(*2*) If the defendant does not appear, or if, on appearing, he does not agree to pay the enhanced rent demanded, the Court may pass a decree for his ejectment on condition that, within fifteen days from the date of the decree, the landlord deposits in Court—

(*a*) such sum (if any) as may be declared by the decree to be payable to the tenant as compensation for improvements; and

(*b*) a further sum as compensation for disturbance equal to seven times the yearly increase of rent demanded.

Conditions on which ejectment-decree is to be executed.

59. (*1*) If these sums are so deposited, the decree shall be made absolute, and the sums deposited shall be paid to the tenant.

(*2*) If these sums are not so deposited, the decree shall become void, and the tenant shall remain in occupation of his holding at the rent previously paid by him.

Fresh proceedings not to be taken

60. When a tenant has agreed, under section 57 or section 58, to pay an enhanced rent for his holding, or a decree to eject him from that holding has

become void under section 59, no notice shall be served on him under section 56 in respect of that holding during the seven years next following the date on which he has so agreed, or the decree has become void, as the case may be. for seven years.

61. (*1*) When an ordinary tenant dies, his right in his holding shall devolve as if it were land: Devolution and transfer of ordinary tenancy.

Provided that a collateral relative of the tenant shall not be entitled to inherit his right unless at the death of the tenant he was a co-sharer in the holding.

(*2*) A transaction by which an ordinary tenant attempts to effect a transfer of property in respect of his holding by sale, gift, mortgage, sub-lease or otherwise [a]shall be void as against his landlord unless it is entered into with the landlord's consent.[a]

(*3*) The right of an ordinary tenant shall not be sold in execution of a decree.

62. (*1*) Notwithstanding any contract to the contrary, the landlord of any holding held by an ordinary tenant shall, at the request of the tenant and on the tender by the tenant to him of a sum equal to twice and one-half the annual rent payable in respect to the holding, together with the cost of preparing any instrument required for this purpose, confer upon the tenant the rights of an occupancy-tenant in respect of the holding; and, when those rights have been so conferred, the rent of the tenant shall be deemed to be fixed under this Act, within the meaning of section 46, at the rate at which rent was payable by the tenant at the date of the request and tender: Obligation of landlord to confer occupancy-rights on ordinary tenant.

Provided that the landlord may, upon any such request and tender being made to him, apply to a Revenue-officer to fix the rent of the holding for the purposes of this section; and, if he proves to the satisfaction of the officer that the rate of rent payable in respect of the holding is less than the rate usually paid by ordinary tenants of holdings situate in the same or adjoining tahsils for land of similar quality with like advantages, the officer shall fix the rent at the latter rate, and the rent so fixed shall, for the purposes of this section, be deemed to be, and to have been at the date of the request and tender, the rent payable by the tenant.

(*2*) If a landlord to whom a request and tender is made by a tenant under sub-section (*1*) refuses or neglects for a period of one month to confer the rights of an occupancy-tenant on the tenant, the tenant may deposit the sum aforesaid in the Court of a Revenue-officer, and apply to that officer to confer upon him the rights of an occupancy-tenant in respect of the holding,

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([a]-[a]) These words in s. 61 (*2*) were substituted for the original words by Act XVII of 1889, s. 16, printed *infra*, p. 282.

(3) The officer, after giving notice of the application to the landlord and hearing him if he appears, and making such inquiry as he thinks necessary, may execute any instrument required for conferring those rights upon the tenant, and the execution shall have the same effect as an execution by the landlord.

(4) A person upon whom the rights of an occupancy-tenant are conferred under this section shall be deemed to be an occupancy-tenant for the purposes of this Act.

(5) Nothing in this section shall apply to a holding consisting entirely of sir-land.

CHAPTER VII.

JURISDICTION AND PROCEDURE.

Jurisdiction of Civil Courts barred in certain cases.

63. No Court other than the Court of a Revenue-officer or Settlement-officer shall fix any rent or call in question any rent fixed by a Revenue-officer or Settlement-officer, or shall take cognizance of any dispute or matter in which any of the following applications might be made, namely :—

(*a*) applications for permission to deposit rent in Court (section 9) ;

(*b*) applications to enhance rent on account of improvements made by or at the expense of the landlord (section 13) ;

(*c*) applications to alter the rent of a holding on account of increase or diminution or deterioration of the holding or of a new assessment of revenue (sections 14 and 15) ;

(*d*) applications for the commutation of rents paid in kind (section 16) ;

(*e*) applications for a commission to divide, estimate or appraise a crop (section 25) ;

(*f*) applications to fix the price at which a landlord may purchase in case of an intended transfer (section 38) ;

(*) (*ff*) applications for an order to eject a village-service tenant (section 50D) ;

(*g*) applications to fix rent or confer occupancy-rights (section 62) ;

(*h*) applications to measure or ascertain the condition of holdings (section 80) ; and

(*i*) applications relating to such other matters as Revenue-officers or Settlement-officers are empowered to deal with under this Act or the rules made under this Act.

(*) Cl. (*ff*) was inserted by Act XVII of 1889, s. 17, printed *infra*, p. 282.

64. (*1*) In fixing rents and disposing of the matters referred to in section 63, Revenue-officers and Settlement-officers shall, as nearly as may be practicable, subject to the provisions of this Act, exercise the same powers and follow the same procedure as they exercise and follow under the Central Provinces Land-revenue Act, 1881.[a] Procedure on applications to Revenue and Settlement-officers and appeals from their orders.

XVIII of 1881.

(*2*) From every decision or order of a Revenue-officer or Settlement-officer fixing rent or disposing of any matter referred to in section 63, an appeal shall lie as if that decision or order had been passed by that officer under the said Land-revenue Act.

65. Except as provided in section 63, the Civil Courts shall have jurisdiction in all suits between landlords and tenants as such: Jurisdiction of Civil Courts in suits between landlords and tenants.

Provided that—

(*a*) a Judge of a Civil Court of original jurisdiction shall not, unless he is also a Revenue-officer or Settlement-officer, hear any such suit; and

(*b*) the Chief Commissioner may, from time to time, subject to the provisions of this Act, direct that all or any class of such suits shall be heard and determined only in such Courts competent to try the same as he thinks fit, and not otherwise.

66. The Chief Commissioner may, from time to time, direct that all suits, or any specified class of suits, between landlords and tenants as such, shall not be registered in the registers of civil suits kept under the Code of Civil Procedure,[b] but in such other registers as he may prescribe. Power to direct that suits between landlords and tenants be entered in separate register.

XIV of 1882.

67. (*1*) In suits between landlords and tenants as such, the plaint shall, in addition to the matters mentioned in section 50 of the Code of Civil Procedure,[b] specify the area of the land to which the suit relates, and, where the fields comprised in that land have been numbered in a Government survey, the number of each such field; and, in the case of suits for an arrear, the amount of the yearly rent and the instalments in which it is payable. Plaint in such suits.

(*2*) When the land to which the suit relates comprises parts of numbered fields, or has not been divided into numbered fields, an accurate and sufficient description of the land and its boundaries shall be given in the plaint.

68. In suits between landlords and tenants as such, the fees of a legal practitioner shall not be allowed as costs, unless the Court considers, for reasons to be recorded by it in writing, that those fees ought to be allowed. Legal practitioners' fees not allowed, unless for special reasons.

69. No set-off shall be allowed in any suit for arrears unless the amount Set-off when

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(a) Printed *supra*, p. 116.

(b) For Act XIV of 1882, see the revised edition, as modified up to the 1st July, 1888, published by the Legislative Department.

allowed in suits for arrears.

claimed as a set-off has been determined by a decree or order of a competent Court or of a Revenue-officer or Settlement-officer.

Interest on arrears.

70. In suits for arrears, interest on the arrears may be allowed up to the date of institution, at such rate, not exceeding twelve per cent. per annum, as the Court thinks fit.

No appeal in certain suits for arrears.

71. A decree or order passed in a suit for arrears, whether on appeal or otherwise, by a Judge of a Civil Court exercising powers not less than those of an Assistant Commissioner of the first class, as defined in the Central Provinces Civil Courts Act, 1885,(a) shall not be subject to appeal, unless— XVI of 1885.

(*a*) the amount or value of the subject-matter of the suit exceeds one hundred rupees; or

(*b*) a question relating to a title to land, or some interest in land, has been determined as between parties having conflicting claims thereto.

Ejectment for non-payment of an arrear due under a decree.

72. (*1*) If a decree for an arrear is passed against a tenant other than an absolute occupancy-tenant and remains unsatisfied, the landlord may, at any time before the execution of the decree is barred by limitation, apply to the Court having authority to execute the decree to cause a notice to be served on the tenant, directing him either to pay the amount due under the decree not later than the expiration of the agricultural year, or to surrender his holding not later than that time.

(*2*) If that amount is not so paid, and the holding is not so surrendered, the Court may in its discretion, but subject to the provisions of this Act, make an order to eject the tenant from the holding.

Power of Court to deal with cases of drought or other calamity in suits for arrears.

73. (*1*) Where, in answer to a suit for an arrear, the tenant admits that the arrear is due, but pleads that the produce of his holding during the period in respect of which the arrear is claimed has been diminished or destroyed by drought, hail or other extraordinary calamity beyond his control, the Court in its discretion may, notwithstanding any contract to the contrary, allow in its decree any deduction from the arrear, and direct payment of the amount decreed (if any) in such instalments (if any) as it thinks fit.

(*2*) In any such case the Court may order that the provisions of section 72 shall not apply to the decree.

(*3*) In making a decree under this section the Court shall have regard to—

(*a*) the value of the produce of the holding for the whole agricultural year in respect of which the arrear accrued; and

(a) The reference to the Central Provinces Courts Act, 1865, has been amended in accordance with Act XVI of 1885, s. 2, printed *infra*, p. 262.

(*b*) the proportion which the amount of rent payable for that year by the tenant bears to that value.

(*4*) If in any such suit it appears that the land-revenue of the village in which the holding is situate has been suspended or remitted on account of drought, hail or other extraordinary calamity in respect of the period for which the arrear is claimed, the Court shall presume, until the contrary is shown, that the diminution or destruction alleged by the tenant has taken place.

Relief against forfeitures.

74. (*1*) A suit for the ejectment of a tenant on the ground that he has done or omitted to do something for doing or omitting to do which he is liable to ejectment, or that he has broken a condition on breach of which he is, under the terms of a contract between him and the landlord, liable to ejectment, shall not be entertained unless the landlord has requested the tenant, where the damage or breach is capable of remedy, to remedy the same, and, in any case, to pay reasonable compensation for the damage or breach, and the tenant has failed to comply within a reasonable time with that request.

(*2*) A decree passed in favour of a landlord in any such suit shall declare the amount of compensation which would reasonably be payable to the plaintiff for the damage or breach, and whether, in the opinion of Court, the damage or breach is capable of remedy, and shall fix a period during which it shall be open to the defendant to pay that amount to the plaintiff, and, where the damage or breach is declared to be capable of remedy, to remedy the same.

(*3*) The Court may, from time to time, extend a period fixed by it under sub-section (*2*) for remedying a damage or breach.

(*4*) If the defendant, within the period or extended period (as the case may be) fixed by the Court under this section, pays the compensation mentioned in the decree, and, where the damage or breach is declared by the Court to be capable of remedy, remedies the damage or breach to the satisfaction of the Court, the decree shall not be executed.

Rights of ejected tenant in respect of crops and land prepared for sowing.

75. The following rules shall be applicable in the case of every tenant ejected from a holding :—

(*a*) When the tenant has, before the date of his ejectment, sown or planted crops in any land comprised in the holding, he shall be entitled, at the option of the landlord, either to retain possession of that land and to use it for the purpose of tending and gathering in the crops, or to receive from the landlord the estimated value of the labour and capital expended by the tenant in preparing the land and sowing, planting and tending the crops, together with reasonable interest thereon.

(*b*) When the tenant has, before the date of his ejectment, prepared for sowing any land comprised in his holding, but has not sown or planted crops in that land, he shall be entitled to receive from the landlord the estimated value of the labour and capital expended by him in so preparing the land, together with reasonable interest thereon:

Provided that a tenant shall not be entitled to retain possession of any land or receive any sum in respect thereof under this section when, after the commencement of proceedings by the landlord for his ejectment, he has cultivated or prepared the land contrary to local usage.

Payment by tenant for occupation of land under section 75.

76. When a landlord elects, under section 75, clause (*a*), to allow a tenant to retain possession of any land for the purpose specified in that clause, the tenant shall pay to the landlord, for the use and occupation of the land during the period for which he is allowed to retain possession of the same, such rent as the Court may deem reasonable.

All claims between landlord and tenant to be determined in ejectment-proceedings.

77. In all suits and proceedings for ejectment, the Court shall inquire into and determine all claims under this Act by the landlord against the tenant as such, or by the tenant against the landlord as such.

Procedure when, on ejectment, money is due by the landlord to the tenant.

78. (*1*) When it appears to a Court making an inquiry under section 77 that the amount payable by the landlord to the tenant as such exceeds the amount payable by the tenant to the landlord as such, the decree or order for ejectment (if any) shall, unless the landlord and tenant come to an arrangement regarding the payment of the excess sum, specify a time within which it must be paid into Court.

(*2*) If it is so paid within the time specified, the Court shall eject the tenant; and

if it is not so paid, the Court shall refuse to eject the tenant.

Ejectment-decrees and orders to have effect from beginning of agricultural year.

79. All decrees and orders for ejectment under this Act shall take effect from the beginning of the agricultural year next following the date of the decree or order.

Applications to measure or ascertain condition of holdings.

80. (*1*) If any landlord or tenant of a holding desires that the extent of that holding be ascertained, or that evidence relating to any improvement made in respect thereof, or to the state of the holding at any specified time, be recorded, he may apply to a Revenue-officer; and that officer shall thereupon, in presence of the parties,—

(*a*) make, or cause to be made, such inquiry as he thinks fit, with a view

to ascertaining the extent of the holding, and record his finding thereon, or

(*b*) (where the applicant seeks to have evidence recorded) record that evidence:

Provided that no action shall be taken by any Revenue-officer under this section if he considers that there are no reasonable grounds for making the application, or if the subject-matter thereof is under inquiry in a Civil Court.

(2) When any matter has been recorded under this section, the record thereof shall be admissible in evidence in any subsequent proceedings between the landlord and tenant or any persons claiming under them.

Limitation in suits by tenant to recover possession.

81. The period of limitation for a suit instituted by a tenant other than an absolute occupancy-tenant to recover possession of land from which he has been ejected shall be two years from the date on which he is ejected.

In other respects the limitation of every such suit shall be governed by the Indian Limitation Act, 1877.(a)

XV of 1877.

CHAPTER VIII.

Power to make Rules.

Rules by Chief Commissioner.

82. The Chief Commissioner may, from time to time, by notification in the official Gazette, make rules consistent with the provisions of this Act—

(*a*) for the guidance of Revenue-officers and Settlement-officers in fixing, altering and commuting rents; and

(*b*) for the guidance of all other persons in matters connected with the enforcement of this Act.

SCHEDULE.

(*See section 2.*)

Acts repealed.

Number and year of Act.	Title.
Act X of 1859	To amend the law relating to the recovery of Rent in the Presidency of Fort William in Bengal.
Act XIV of 1863 . . .	To amend Act X of 1859.
Act XXII of 1872 . . .	To explain and amend Act X of 1859.

(a) Printed, General Acts, 1877-81, Ed. 1884, p. 91.

ACT No. VI OF 1885.

Received the assent of the Governor General on the 6th February, 1885.

An Act to amend Act XXII of 1881.

WHEREAS it is expedient to amend the Excise Act, 1881;(a) It is hereby enacted as follows:— XXII of 1881.

Amendment of section 28 of said Act.

1. In section 28 of the said Act, after the words "ten rupees" the words "or who receives an annual remuneration equivalent to such salary" shall be inserted.

Amendment of section 29.

2. In the first paragraph of section 29 of the same Act, after the word "salary" the words "or annual remuneration" shall be inserted; and in the second paragraph of the same section, after the word "rupees" the words "unless the Excise-officer is himself such an officer of police" shall be inserted.

New section inserted after section 34.

3. In the same Act, after section 34, the following section shall be inserted:—

"34A. [Printed *supra*, p. 183.]

New section substituted for section 47.

4. For section 47 of the same Act the following shall be substituted, namely:—

"47. [Printed *supra*, p. 186.]

THE CENTRAL PROVINCES CIVIL COURTS ACT, 1885.

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(a) Printed *supra*, p. 173.

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ACT No. XVI OF 1885. (a)

Received the assent of the Governor General on the 2nd October, 1885.

An Act to amend the law relating to Civil Courts in the Central Provinces.

WHEREAS it is expedient to amend the law relating to Civil Courts in the Central Provinces; It is hereby enacted as follows:—

Preliminary.

Short title, local extent and commencement.

1. (*1*) This Act may be called the Central Provinces Civil Courts Act, 1885.

(*2*) It extends to the territories for the time being under the administration of the Chief Commissioner of the Central Provinces; and

(*3*) It shall come into force on the first day of January, 1886.

(*4*) Any authority conferred on the Chief Commissioner or on the Judicial Commissioner by this Act to issue orders or make rules may be exercised at any time after the passing of this Act; but an order or rule so issued or made shall not take effect until the Act comes into force.

Repeal.

2. (*1*) On and from the day on which this Act comes into force the Central Provinces Courts Act, 1865, and Act XXVII of 1867, so far as it relates to the Central Provinces, shall be repealed. XIV of 1865.

(*2*) Any enactment or document referring to either of the enactments hereby repealed shall be construed to refer to this Act or to the corresponding portion thereof; and all declarations made, powers conferred, limits prescribed, directions given and orders issued under either of those enactments shall, so far as may be, be deemed to have been respectively made, conferred, prescribed, given and issued under this Act.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

"Assistant Commissioner" includes Extra Assistant Commissioner; and

"value," used with reference to a suit, means the amount or value of the subject-matter of the suit.

Classes of Courts.

Classes of Courts.

4. Besides the Courts of Small Causes established under the Provincial Small Cause Courts Act, 1887, (b) and the Courts established under any other enactment for the time being in force, there shall be the following classes of Civil Courts, namely:— IX of 1887.

(*a*) the Court of the Judicial Commissioner;

(a) As to the investment of Settlement-officers with the powers of Civil Courts under this Act, see Act XVIII of 1881, ss. 33-36, *supra*, pp. 127 and 128.

(b) The reference to Act XI of 1865 in s. 4 has been altered in accordance with Act IX of 1887, s. 2, printed, General Acts, 1885-88, Ed. 1889, p. 128.

(*b*) the Court of the Commissioner;
(*c*) the Court of the Deputy Commissioner;
(*d*) the Court of the Assistant Commissioner of the first class;
(*e*) the Court of the Assistant Commissioner of the second class;
(*f*) the Court of the Assistant Commissioner of the third class;
(*g*) the Court of the Tahsíldár of the first class;
(*h*) the Court of the Tahsíldár of the second class.

Court of the Judicial Commissioner.

Court of the Judicial Commissioner.

5. The Judicial Commissioner shall be appointed by the Governor General in Council; and his Court shall be deemed, for the purposes of all enactments for the time being in force, to be the highest Civil Court of appeal in the territories to which this Act extends.

Courts of Commissioners and Deputy Commissioners.

Courts of Commissioners and Deputy Commioners.

6. (*1*) The local limits of the jurisdiction of the Court of the Commissioner shall be those of the division of the revenue-administration of which he is in charge.

(*2*) The local limits of the jurisdiction of the Court of the Deputy Commissioner shall be those of the district of the revenue-administration of which he is in charge.

Original jurisdiction of Courts of Commissioners and Deputy Commissioners in suits.

7. Except as otherwise provided by any enactment for the time being in force, the Court of the Commissioner and the Court of the Deputy Commissioner shall be competent to try original civil suits without limit as regards the value.

Court of Deputy Commissioner to be principal Civil Court of original jurisdiction.

8. Except as otherwise provided by any enactment for the time being in force, the Deputy Commissioner shall be deemed to be the District Judge of the district, and his Court to be the District Court or principal Civil Court of original jurisdiction in the district.

Other Courts.

Chief Commissioner may declare class to which the Court of an Assistant Commissioner or Tahsíldár shall belong.

9. The Chief Commissioner may, by order in writing, declare, as regards any Assistant Commissioner, that his Court shall be that of an Assistant Commissioner of the first or of the second or of the third class, and, as regards any Tahsíldár, that his Court shall be that of a Tahsíldár of the first or of the second class.

Other Courts. Sec. 10 Náib-tahsíldárs. Sec. 11. Judicial Assistants to Commissioners, Civil Judges and Munsifs. Sec. 12.)

Pecuniary and local limits of the jurisdiction of Courts of Assistant Commissioners and Tahsíldárs.

10. (*1*) Courts of Assistant Commissioners and Tahsíldárs shall be competent to try original civil suits of which the value does not exceed that specified against each Court in the following table:—

Courts.	Value.
Court of the Assistant Commissioner of the first class.	Five thousand rupees.
Court of the Assistant Commissioner of the second class.	One thousand rupees.
Court of the Assistant Commissioner of the third class.	Five hundred rupees.
Court of the Tahsíldár of the first class .	Three hundred rupees.
Court of the Tahsíldár of the second class .	One hundred rupees.

Provided that the Chief Commissioner may, by order in writing, limit the classes of original civil suits which the Courts of Tahsíldárs of the first or of the second class shall be competent to try.

(*2*) The local limits of the jurisdiction of the Courts mentioned in this section shall be such as the Chief Commissioner may, by order in writing, define.

Náib-tahsíldárs.

Conferment of jurisdiction in certain suits on Náib-tahsíldárs.

11. The Chief Commissioner may, by order in writing, invest, within such local limits as he thinks fit, any Náib-tahsíldár with jurisdiction to try suits of the nature cognizable in a Court of small Causes established under the Provincial Small Cause Courts Act, 1887,[a] up to such value, not exceeding fifty rupees, as he thinks fit. IX of 1887.

Judicial Assistants to Commissioners, Civil Judges and Munsifs.

Power to invest certain persons, under the names of Judicial Assistant to Commissioner, Civil Judge and Munsif, with certain powers.

12. (*1*) The Chief Commissioner may, by order in writing, invest any person—

(*a*) with all or any of the powers of the Court of the Commissioner under this Act;

(*b*) with all or any of the powers of the Court of the Deputy Commissioner under this Act; or

(*c*) with all or any of the powers of the Court of a Tahsíldár of the first or of the second class under this Act;

[a] The reference to Act XI of 1865 in s. 11 has been altered in accordance with Act IX of 1887, s. 2, printed, General Acts, 1885-88, Ed. 1889, p. 128.

and declare that the powers with which any person is so invested shall be exercised within any specified local area, and with respect to any particular class, or particular classes, of cases, or with respect to cases generally.

(*2*) Persons invested with powers under sub-section (*1*) shall be designated as follows:—

if invested under clause (*a*)—Judicial Assistant to the Commissioner;

if invested under clause (*b*)—Civil Judge;

if invested under clause (*c*)—Munsif.

(*3*) The Courts of such persons shall, for all purposes connected with the exercise of the said powers, be deemed to be, respectively, Courts of Commissioners, Courts of Deputy Commissioners and Courts of Tahsíldárs.

(*4*) The Chief Commissioner may, by order in writing, direct how business shall be distributed between the Commissioner and the Judicial Assistant to the Commissioner, and between the Deputy Commissioner and the Civil Judge.

Small Cause Court Jurisdiction.

Power to confer Small Cause Court jurisdiction.

13. The Chief Commissioner may, by order in writing, confer, within such local limits as he thinks fit, upon any Court of an Assistant Commissioner of the first or of the second class the jurisdiction of a Judge of a Court of Small Causes under the Provincial Small Cause Courts Act, 1887, ([a]) for the trial of suits cognizable by such Courts up to such value as he thinks fit, not exceeding, if the Court is that of an Assistant Commissioner of the first class, five hundred rupees, or, if the Court is that of an Assistant Commissioner of the second class, one hundred rupees.

IX of 1887.

Administrative Control.

Superintendence and control of subordinate Courts by Courts of Judicial Commissioner, Commissioner and Deputy Commissioner.

14. (*1*) The general superintendence and control over all other Civil Courts shall be vested in, and all such Courts shall be subordinate to, the Court of the Judicial Commissioner.

(*2*) Subject to the general superintendence and control of the Court of the Judicial Commissioner, the control of all other Civil Courts in a division shall be vested in, and all such Courts shall be subordinate to, the Court of the Commissioner.

(*3*) Subject as aforesaid and to the control of the Court of the Commissioner, the control of all other Civil Courts in a district shall be vested in, and all such Courts shall be subordinate to, the Court of the Deputy Commissioner:

([a]) The reference to Act XI of 1865 in s. 13 has been altered in accordance with Act IX of 1887, s. 2, printed, General Acts, 1885-88, Ed. 1889, p. 128.

Provided that the Chief Commissioner, by order in writing, may direct that any Judicial Assistant to the Commissioner or Civil Judge shall not be subject to the control of, or subordinate to, the Court of the Commissioner or the Court of the Deputy Commissioner, as the case may be, and may further direct that such officer shall be subject to the control of, and subordinate to, such other Court as the Chief Commissioner thinks fit.

Power of Court of Commissioner to transfer business.

15. (*1*) The Court of the Commissioner may exercise, as regards the Courts under its control, the same powers of withdrawal, trial and transfer as are conferred by section 25 of the Code of Civil Procedure[a] on a District Court. XIV of 1882.

(*2*) The Court trying any suit withdrawn under this section from a Court of Small Causes shall, for the purposes of the suit, be deemed to be a Court of Small Causes.

Power to distribute business.

16. Notwithstanding anything contained in the Code of Civil Procedure,[a] XIV of 1882. [b]and in the Provincial Small Cause Courts Act, 1887,[b] the Court of the Commissioner and the Court of the Deputy Commissioner may, by order in writing, direct that any civil business cognizable by it and the Courts under its control shall be distributed among those Courts in such manner as it thinks fit: IX of 1887.

[c]Provided that, except in so far as it may affect the exclusive jurisdiction of a Court of Small Causes or a Court invested with the jurisdiction of a Court of Small Causes, a direction given under this section shall not empower any Court to exercise any powers or deal with any business beyond the limits of its proper jurisdiction.

Appellate Jurisdiction.

Appeals to whom to lie.

17. (*1*) Appeals from decrees passed in original civil suits by Courts subordinate to the Court of the Deputy Commissioner shall, when such appeals are allowed by law and the value of the suit does not exceed one thousand rupees, lie to that Court.

(*2*) Appeals from decrees passed in original civil suits of value exceeding one thousand rupees by the Court of an Assistant Commissioner of the first class, or by a Civil Judge who is subordinate to the Court of the Deputy Commissioner, and from decrees passed in original civil suits of any value by

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(a) For Act XIV of 1882, see the revised edition, as modified up to the 1st July, 1888, published by the Legislative Department.

(b-b) This reference in s. 16 was inserted by Act IV of 1890, printed *infra*, p. 330. For Act IX of 1887, see General Acts, 1885-88, Ed. 1889, p. 128.

(c) This proviso to s. 16 was substituted for the original proviso by Act IV of 1890, printed *infra*, p. 330.

the Court of a Deputy Commissioner, or by a Civil Judge who is not subordinate to that Court, or by a Judicial Assistant to the Commissioner who is subordinate to the Court of the Commissioner, shall, when such appeals are allowed by law, lie to the Court of the Commissioner.

(*3*) Appeals from decrees passed in original civil suits by the Court of the Commissioner or by a Judicial Assistant to the Commissioner who is not subordinate to the Court of the Commissioner, and from appellate decrees passed by Civil Courts subordinate to the Court of the Judicial Commissioner, shall, when such appeals are allowed by law, lie to the Court of the Judicial Commissioner.

Period of limitation for appeals.

18. (*1*) The period of limitation for an appeal to the Court of the Commissioner shall be sixty days.

XV of 1877.

(*2*) In the computation of that period and in all other respects the limitation of appeals shall be governed by the provisions of the Indian Limitation Act, 1877.[a]

Rules.

Power to make rules.

19. (*1*) The Judicial Commissioner may make rules consistent with this Act and any other enactment for the time being in force—

(*a*) declaring what persons shall be permitted to practise as petition-writers in Civil Courts, and regulating the conduct of persons so practising;

(*b*) prescribing forms for seals to be used by those Courts;

(*c*) regulating the procedure in cases where any person is entitled to inspect a record of any Civil Court or obtain a copy of the same, and prescribing the fees payable by such persons for searches and copies;

(*d*) conferring and imposing on the ministerial officers of Civil Courts such powers and duties of a non-judicial or quasi-judicial nature as he thinks fit, and regulating the mode in which powers and duties so conferred and imposed shall be exercised and performed;

(*e*) prescribing forms for such books, entries, statistics and accounts as he thinks necessary to be kept, made or compiled in those Courts or submitted to any authority;

(*f*) providing for the inspection of those Courts, and the supervision of the working thereof; and

(*g*) regulating all such matters as he may think fit, with a view to pro-

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[a] Printed, General Acts, 1877-81, Ed. 1884, p. 91.

moting the efficiency of the judicial and ministerial officers of those Courts and maintaining proper discipline among those officers.

(*2*) A rule made under this section shall not take effect until it has been sanctioned by the Chief Commissioner and published in the official Gazette.

(*3*) Whoever breaks any rule made under clause (*a*) shall be punished with fine which may extend to fifty rupees.

(*4*) Rules made under clause (*g*) may provide, among other matters, for fines, to an amount not exceeding one month's salary, being imposed on ministerial officers for misconduct or neglect in the performance of their duties, and for the recovery of fines so imposed by deduction of the amount thereof from any salary that may be or become due to the officers fined.

Supplemental Provisions.

Books and accounts, and statements and returns, to be kept and furnished by Judicial Commission-

20. (*1*) The Judicial Commissioner shall keep such registers, books and accounts as may be necessary for the transaction of the business of his Court, and shall submit to the Chief Commissioner such of those registers, books and accounts, and such statements of the work done in his Court, as may be required by the Chief Commissioner.

(*2*) The Judicial Commissioner shall also comply, in such form and manner as the Chief Commissioner may deem proper, with such requisitions as may be made by the Chief Commissioner for records of, or papers belonging to, the Court of the Judicial Commissioner or any Civil Court subordinate thereto, or for certified copies of, or extracts from, such records or papers, or for returns, statements or reports.

Place of sitting of Courts.

21. (*1*) The Chief Commissioner may, by order in writing, fix the place or places at which any Civil Court shall be held.

(*2*) The place or places so fixed may be beyond the local limits of the jurisdiction of the Court.

(*3*) Except as may be otherwise provided by any order under this section, a Civil Court may be held at any place within the local limits of its jurisdiction.

Mode of conferring powers.

22. The Chief Commissioner may, when he is empowered by this Act to confer any powers, confer them on any person specially by name or by virtue of his office.

Vacations.

23. (*1*) Subject to the approval of the Chief Commissioner, the Judicial Commissioner shall prepare a list of days to be observed in each year as holidays in his Court and the Civil Courts subordinate thereto.

(*2*) The list shall be published in the official Gazette.

24. (*1*) All cases or proceedings pending in the Court of the Judicial Commissioner on the day when this Act comes into force shall be disposed of as if this Act had not been passed. Pending proceedings.

(*2*) All cases or proceedings pending in any Civil Court subordinate to the Court of the Judicial Commissioner on that day shall be disposed of as if this Act had not been passed:

Provided that the Judicial Commissioner may direct that any such cases or proceedings shall be transferred for disposal to any Court established under this Act which would have had jurisdiction if it had been in existence when the cases or proceedings were instituted.

(*3*) In the case of an appeal pending on the said day, the following shall, for the purposes of sub-section (*2*), be deemed to be the Court which would have had jurisdiction as aforesaid, namely:—

(*a*) when the value of the suit does not exceed one thousand rupees and the decree or order has been passed by a Court of a class lower than that of the Deputy Commissioner—the Court of the Deputy Commissioner;

(*b*) in other cases when the decree or order has been passed by a Court of a class lower than that of the Commissioner—the Court of the Commissioner.

25. Appeals from decrees and orders passed by Civil Courts and not appealed against before the date on which this Act comes into force shall lie and be disposed of as if this Act had not been passed and not otherwise: Appeals after Act comes into force against decrees and orders passed before.

Provided that the Courts to which such appeals shall lie shall be as follows:—

(*a*) when the appeal would before the said date have lain to the Court of the Judicial Commissioner—that Court;

(*b*) when the appeal is from a decree or order passed by a Court of a class lower than that of the Deputy Commissioner in an original civil suit of which the value does not exceed one thousand rupees—the Court of the Deputy Commissioner;

(*c*) in other cases when the decree or order has been passed by a Court of a class lower than that of the Commissioner—the Court of the Commissioner.

26. All powers conferred by this Act may be exercised from time to time as occasion requires. Powers exerciseable from time to time.

27. All orders required by this Act to be issued by the Chief Commissioner in writing shall be published in the official Gazette. Publication of certain orders.

THE CENTRAL PROVINCES GOVERNMENT WARDS ACT, 1885.

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ACT No. XVII OF 1885.

Received the assent of the Governor General on the 9th October, 1885.

An Act to make better provision for the superintendence of Government Wards in the Central Provinces.

WHEREAS it is expedient to make better provision for the superintendence of Government wards in the Central Provinces; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Central Provinces Government Wards Act, 1885.

(*2*) It extends to the territories for the time being administered by the Chief Commissioner of the Central Provinces; and

(*3*) It shall come into force at once.

Repeal.

2. Bengal Regulations LII of 1803 (*for establishing a Court of Wards in the Provinces ceded by the Nawab Vizier to the Honourable the English East India Company*) and VI of 1822 (*to establish a Court of Wards for Benares, and to define and explain certain of the rules regarding the powers and jurisdiction of the several Courts of Wards*), and section 14 of Act XL of 1858 (*for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal*) shall, so far as they are in force in the whole or any part of the territories to which this Act extends, be repealed.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "Government ward" means any person of whose property, or of whose person and property, the Court of Wards may, for the time being, have the superintendence under this Act:

(*2*) "landholder" means a málguzár as defined in the Central Provinces Land-revenue Act, 1881,(a) and the zamíndár of any zamíndári specified in Part VI of the first schedule of the Scheduled Districts Act, 1874,(b) and includes a muáfidár, jagírdár, ubáridár or other assignee of land-revenue, and any person not hereinbefore specified who is interested in land and belongs to a class of which the Chief Commissioner, with the previous sanction of the Governor General in Council, has declared the members to be landholders for the purposes of this Act: and

XVIII of 1881.
XIV of 1874.

(*3*) "land" includes the rights of a landholder in respect of the land of

(a) See Act XVIII of 1881, s. 4, cl. (9), *supra*, p. 118.
(b) Printed, General Acts, 1867-76, Ed. 1887, p. 485.

which he is the málguzár or zamíndár or the muáfidár, jagírdár, ubáridár or other assignee of land-revenue, or in which he is interested.

Deputy Commissioner to be Court of Wards.

4. The Deputy Commissioner shall be the Court of Wards for the limits of his district.

5. [*Landholders to be under jurisdiction of Court of Wards.*] *Repealed by Act VIII of 1890.*

Superintendence by Court of Wards of property of disqualified landholder.

6. The Court of Wards may, with the previous sanction of the Chief Commissioner, assume the superintendence of the property of any landholder owning land within the local limits of its jurisdiction who is disqualified to manage his own property.

Cases in which landholders to be deemed disqualified.

7. (*1*) The following persons shall, for the purposes of the last foregoing section, be deemed to be disqualified to manage their own property, namely :—

(*a*) minors who have not guardians appointed for their property by will;

(*b*) persons adjudged by a competent Civil Court to be of unsound mind and incapable of managing their affairs; and

(*c*) persons declared by the Chief Commissioner to be incapable of managing their own property—

(i) owing to any physicial defect or infirmity,

(ii) owing to their having been convicted of a non-bailable offence, and being unfitted by vice or bad character,

(iii) owing to their being females, or

(iv) on their own application.

(*2*) Every declaration made by the Chief Commissioner under clause (*c*) of this section shall be final, and shall not be questioned in any Civil Court.

Superintendence by Court of Wards of person of disqualified landholder.

8. When the Court of Wards assumes the superintendence of the property of a minor who has not a guardian appointed for his person by will, or of a person who has been adjudged by a competent Civil Court to be of unsound mind and incapable of managing his affairs, it may, with the previous sanction of the Chief Commissioner, assume the superintendence of his person also:

Provided that nothing in this section shall authorize the Court of Wards to assume the superintendence of the person of a female who is married to a man of full age and is in his custody.

Superintendence where disqualified landholder owns land within jurisdiction of two Courts of Wards.

9. Where a landholder owns land within the local limits of the jurisdiction of two or more Courts of Wards, such one only of the Courts as the Chief Commissioner may in this behalf determine shall assume the superintendence of the property, or of the person and property, of the landholder.

Superintendence of

10. When the Court of Wards has, with the sanction of the Chief Com-

missioner, assumed the superintendence of the property of any person, or of his person and property, its authority shall not be contested in any Civil Court on the ground that he was not or is not a landholder or was not or is not a minor.

Court of Wards not challengeable on ground that ward is not a landholder or minor.

11. Subject to the rules made under this Act, the Court of Wards may appoint, suspend and remove a manager of the property of any Government ward under its superintendence, and may delegate to the manager all or any of its functions in relation to any property under this Act.

Appointment, &c., of managers by Court of Wards.

12. (*1*) Every manager appointed by the Court of Wards shall—

(*a*) give such security as the Court thinks fit duly to account for what he receives in respect of the rents and profits of the property under his management;

(*b*) be entitled to such allowance as the Court thinks fit for his care and pains in the execution of his duties; and

(*c*) be responsible for any loss occasioned to the property under his management by his wilful default or gross negligence.

Liabilities, &c., of managers and other servants of Court of Wards.

(*2*) Every manager or other servant of the Court of Wards shall be deemed a "public servant" within the meaning of sections 161, 162, 163, 164 and 165 of the Indian Penal Code;(*) and in the definition of "legal remuneration" contained in the said section 161, the word "Government" shall, for the purposes of this sub-section, be deemed to include the Court of Wards.

XLV of 1860.

13. The Court of Wards may appoint guardians for the care of the persons of Government wards whose persons are, for the time being, under its superintendence, and may control and remove guardians whom it has appointed.

Power for Court of Wards to appoint guardians of certain Government wards.

14. Subject to the provisions of this Act and of the rules made under this Act, the Court of Wards—

General powers of Court of Wards.

(*a*) may, of itself or through the manager (if any) appointed by it under this Act, do all such things requisite for the proper care and management of any property, of which it assumes the superintendence under this Act, as the owner of the property, if not disqualified, might do for its care and management; and

(*b*) may, of itself or through the guardian (if any) appointed by it under this Act, do in respect of the person of any Government ward, whose person is, for the time being, under its superintendence, all such things as may lawfully be done by a guardian.

(*) For Act XLV of 1860, see the revised edition, as modified up to the 1st August, 1890, published by the Legislative Department.

Custody, education and residence of certain Government wards.

15. The Court of Wards may pass such orders as to it seems fit in respect of the custody and residence of any Government ward whose person is, for the time being, under its superintendence, and, when he is a minor, in respect of his education.

Allowance for Government ward and his family.

16. The Court of Wards may, from time to time, determine what sums shall be allowed in respect of the expenses of any Government ward and of his family and dependants.

Duties of Court of Wards or manager.

17. The Court of Wards, or the manager (if any) appointed by it under this Act, shall manage the property of every Government ward under its superintendence or under his management diligently and faithfully for the benefit of the Government ward, and shall in every respect act to the best of its or his judgment for the Government ward's interest as if the property were its or his own.

Powers of Court of Wards as to property of Government wards.

18. The Court of Wards may let the whole or any part of the property of any Government ward under its superintendence, and may, with the previous sanction of the Chief Commissioner, mortgage, sell or exchange the whole or any part of such property, and may do all such other acts as it may judge to be best for the benefit of the property and the advantage of the Government ward.

Manager or Court of Wards to be next friend or guardian in suits by or against Government ward.

19. In every suit brought by or against a Government ward, the manager of the ward's property, or, if there is no manager, the Court of Wards having the superintendence of the ward's property, shall be named as next friend or guardian for the suit, as the case may be.

Payment of costs.

20. If, in any suit brought by or against a Government ward, any Civil Court decrees any costs against the ward's next friend or guardian for the suit, the Court of Wards shall cause the costs to be paid out of any property of the Government ward which may, for the time being, be in its hands.

Processes against Government ward to be served on next friend or guardian.

21. Every process which may be issued out of any Civil Court against any Government ward shall be served on the ward's next friend or guardian for the suit.

Authority of Court of Wards required in case of suits brought on behalf of Government wards.

22. No suit shall be brought on behalf of any Government ward unless it is authorized by some order of the Court of Wards:

Provided as follows;—

(*1*) a manager may authorize a plaint to be filed in order to prevent a suit from being barred by the law of limitation, but the suit shall not afterwards be proceeded with except under the sanction of the Court of Wards;

(*2*) a suit for arrears of rent may be brought on behalf of a Government ward if authorized by an order of the manager of the property on which the rent is due.

Disabilities of a Government ward.

23. (*1*) A Government ward shall be incompetent to transfer or create any charge on, or interest in, his property or any part thereof, or to enter into any contract which may involve him in pecuniary liability.

(*2*) Nothing in this section shall be deemed to affect the capacity of a Government ward to enter into a contract of marriage;

Provided that he shall not incur, in connection therewith, any pecuniary liability, except such as, having regard to the personal law to which he is subject and to his rank and circumstances, the Court of Wards may, in writing, declare to be reasonable.

Consent of Chief Commissioner necessary to adoptions by Government wards.

24. No adoption by any Government ward, and no written or verbal permission to adopt given by any Government ward, shall be valid without the consent of the Chief Commissioner obtained either previously or subsequently to the adoption, or to the giving of the permission, on application made to him through the Court of Wards.

Procedure when succession to Government ward's property is disputed.

25. Whenever, on the death of any Government ward, the succession to his property or any part thereof is disputed, the Court of Wards may either direct that the property or part thereof be made over to any person claiming the property, or may retain the superintendence of the property until one of the claimants has established his claim to the same in a competent Civil Court.

Withdrawal of superintendence of Court of Wards.

26. (*1*) The Court of Wards may, with the sanction of the Chief Commissioner, at any time withdraw its superintendence from the person or property, or both, of a Government ward, and shall withdraw its superintendence as soon as—

(*a*) in the case of a person disqualified under clause (*a*) of section 7, he attains his majority;

(*b*) in the case of a person disqualified under clause (*b*) of that section, he ceases to be of unsound mind and incapable of managing his affairs; and

(*c*) in the case of a person disqualified under sub-clause (i) of clause (*c*) of that section, his physical defect or infirmity is removed or ceases.

(*2*) When any question arises whether the superintendence of the Court of Wards should be withdrawn from any person or property, or both, under clause (*a*), or from any property under clause (*c*), of this section, the decision of the Chief Commissioner thereon shall be final and shall not be questioned in any Civil Court.

Appeals.

27. An appeal shall lie from every order of the Court of Wards under this Act to the Commissioner of the division, and from every order of the Commissioner to the Chief Commissioner.

Control of Chief Commissioner.

28. All orders or proceedings of the Court of Wards and of the Commissioner of the division under this Act shall be subject to the supervision and control of the Chief Commissioner; and the Chief Commissioner may, if he thinks fit, revise, modify or reverse any such order or proceeding, whether an appeal is presented against any such order or proceeding or not.

Exercise of discretion not to be questioned in Civil Court.

29. The exercise of any discretion conferred on a Court of Wards, a Commissioner of a division or the Chief Commissioner by this Act shall not be called in question in any Civil Court.

Power for Chief Commissioner to make rules.

30. (*1*) The Chief Commissioner may, from time to time, make rules consistent with this Act to—

(*a*) prescribe the matters to which regard should be had in appointing or removing guardians and managers, and in fixing their remuneration;

(*b*) regulate the amount of security to be given by managers;

(*c*) limit the functions which the Court of Wards may delegate to a manager;

(*d*) prescribe the cases in which proposals or arrangements connected with the administration of the properties of Government wards shall be reported for the sanction of the Chief Commissioner or for that of the Commissioner of the division;

(*e*) prescribe the accounts and other returns which, and the periods and form at and in which, they shall be rendered by managers to the Court of Wards and by the Court of Wards to the Commissioner of the division;

(*f*) regulate the custody of securities and title-deeds belonging to the estate or property of a Government ward;

(*g*) regulate the procedure in inquiries by the Court of Wards and in appeals from orders of the Court of Wards or the Commissioner of the division respectively under this Act;

(*h*) confer upon the Court of Wards for the purposes of this Act any of the powers exercised by a Civil Court in the trial of suits;

(*i*) prescribe the mode in which powers delegated to managers are to be notified for the information of persons concerned; and,

(*j*) generally, prescribe the manner in which the powers and duties of the Court of Wards under this Act shall be exercised and performed.

(*2*) All rules made under this section shall be published in the local official Gazette, and shall thereupon have the force of law.

ACT No. III OF 1886.

Received the assent of the Governor General on the 29th January, 1886.

An Act to amend the Northern India Ferries Act, 1878.

XVII of 1878. WHEREAS it is expedient to amend the Northern India Ferries Act, 1878; It is hereby enacted as follows:—

Substitution of new section for section 8, and amendment of sections 12 and 15.

1. (*1*) For section 8 the following shall be substituted, namely:—

[Printed *supra*, p. 86.]

(*2*) For section 12, clause (*b*), the following shall be substituted, namely:—

[Printed *supra*, p. 87.]

(*3*) In the third paragraph of section 15, for the word "auction" the word "lease" shall be substituted.

Amendment of section 13, and substitution of new section for section 26.

2. (*1*) For the first paragraph of section 13 the following shall be substituted, namely:—

[Printed *supra*, p. 88.]

(*2*) In the second proviso to the said section, after the word "boats" the words "which do not ply for hire or" shall be inserted.

(*3*) For section 26 the following shall be substituted, namely:—

[Printed *supra*, p. 91.]

ACT No. XVI OF 1889.

Received the assent of the Governor General on the 29th October, 1889.

An Act to amend the Central Provinces Land-revenue Act, 1881, and the Central Provinces Local Self-government Act, 1883.

WHEREAS it is expedient to amend the Central Provinces Land-revenue Act, 1881; It is hereby enacted as follows:—

XVIII of 1881.

Title and commencement.

1. (*1*) This Act may be called the Central Provinces Land-revenue Act, 1889; and

(*2*) It shall come into force at once.

Definition.

2. In this Act, unless there is something repugnant in the subject or context, the word "section" means a section of the Central Provinces Land-revenue Act, 1881.

XVIII of 1881.

Amendment of section 1.

3. In section 1 the words and figures "except those specified in Part VI of the first schedule of the Scheduled District Act, 1874," are hereby repealed.

XIV of 1874.

Amendment of section 4, clause (3).

4. In section 4, clause (3), after the words "proprietors as such of the village," the words "or to their transferees or assignees as such or to the patél," shall be inserted.

New clause substituted for section 4, clause (6).

5. For section 4, clause (6), the following shall be substituted, namely :—
[Printed *supra*, p. 117.]

New clause inserted after section 4, clause (6).

6. After section 4, clause (6), the following shall be inserted, namely :—
[Printed *supra*, p. 118.]

Amendment of section 4, clause (7).

7. To section 4, clause (7), the words "but does not include a survey-number" shall be added.

New clause inserted after section 4, clause (8).

8. After section 4, clause (8), the following shall be inserted, namely :—
[Printed *supra*, p. 118.]

New clause substituted for section 4, clause (10).

9. For section 4, clause (10), the following shall be substituted, namely :—
[Printed *supra*, p. 118.]

New clauses inserted after section 4, clause (13).

10. After section 4, clause (13), the following shall be inserted, namely :—
[Printed *supra*, pp. 118 and 119.]

Amendment of section 4, clause (14).

11. For the *Explanation* to section 4, clause (14), the following shall be substituted, namely :—
[Printed *supra*, p. 119.]

New section substituted for section 6.

12. For section 6 the following shall be substituted, namely :—
[Printed *supra*, p. 120.]

New section inserted after section 18.

13. After section 18 the following shall be inserted, namely :—
[Printed *supra*, p. 122.]

Amendment of section 45.

14. In section 45, after the words "comprised in such area," the words "or who are in possession of the whole or any part of the land as gaontias or as thíkadárs of Government land, or as raiyats who have accepted the assessment of a survey-number," shall be inserted.

Amendment of section 46.

15. To section 46 the following shall be added, namely :—
[Printed *supra*, p. 130.]

New section inserted after section 56.

16. After section 56 the following shall be inserted, namely :—
[Printed *supra*, p. 133.]

New section inserted after section 65.

17. After section 65 the following shall be inserted, namely :—
[Printed *supra*, p. 135.]

New sections inserted after section 67.

18. After section 67 the following shall be inserted, namely :—
[Printed *supra*, p. 135.

19. For section 69 the following shall be substituted, namely :— New section substituted for section 69.
[Printed *supra*, p. 138.]

20. In section 91, after the words "under a settlement or sub-settlement" the words "or otherwise under an assessment made in accordance with this Act", and after the words "with whom such settlement of sub-settlement" the words "or such assessment", shall be inserted. Amendment of section 91.

21. After clause (*g*) of section 94 the following shall be inserted, namely :— New clause inserted after section 94, clause (*g*).
[Printed *supra*, p. 144.]

22. After section 124 the following shall be inserted, namely :— New section inserted after section 124.
[Printed *supra*, p. 151.]

23. In section 125, clause (*a*), for the words "subsequently to the preparation of the record-of-rights" the words "from time to time" shall be substituted. Amendment of section 125, clause (*a*).

24. To section 132 the following clause shall be added, namely :— New clause added to section 132.
[Printed *supra*, p. 152.]

25. In section 135, after the words "mortgagees or farmers" the words "or, in the case of regularly settled raiyatwári villages, of the raiyats" shall be inserted. Amendment of section 135.

26. Section 136 is hereby repealed, and after section 135 the following shall be inserted, namely :— Repeal of section 136 and substitution therefor of new provisions respecting partition.
[Printed *supra*, pp. 155 to 160.]

27. (*1*) In the first paragraph of section 137, for the words "and mukaddams" the words "mukaddams and patéls" shall be substituted. Amendment of section 137.

(*2*) For the last paragraph of the same section the following shall be substituted, namely :—

[Printed *supra*, pp. 160 and 161.]

28. After section 143 the following shall be inserted, namely :— New section inserted after section 143.
[Printed *supra*, p. 163.]

29. (*1*) In section 144, after the words "may make rules" the following shall be inserted, namely :— Amendment of section 144.

"(*a*) providing for the appointment of patwáris in tracts where they have not been already appointed;".

(*2*) In the same section clauses (*a*), (*b*) and (*c*) shall be read as clauses (*b*), (*c*) and (*d*), respectively, and the last paragraph beginning with the words

"Provided that" and ending with the words "liable to assessment" is hereby repealed.

Repeal of section 145.

30. Section 145 is hereby repealed.

Amendment of section 146.

31. The portion of section 146, clause (*b*), beginning with the words "and may in such rules" and ending with the words "such duties" is hereby repealed.

New section inserted after section 146.

32. After section 146 the following shall be inserted, namely :—

[Printed *supra*, p. 164.]

New section inserted after section 147.

33. After section 147 the following shall be inserted, namely :—

[Printed *supra*, p. 165.]

Amendment of section 148.

34. In section 148, for the words "and patwáris" the words "patwáris and village-watchmen" shall be substituted

Amendment of section 149.

35. In section 149, for the words "and patwáris" the words "and village-watchmen" shall be substituted.

Amendment of section 151.

36. In section 151 the words "and the right to extract sap from all palmyra and cocoanut trees" are hereby repealed.

Amendment of section 152, clause (13).

37. For clause (13) of section 152 the following clauses shall be substituted, namely :—

[Printed *supra*, p. 167.]

Amendment of section 152, clause (14).

38. In clause (14) of section 152, for the words "or mukaddam" the words "mukaddam, patél or village-watchman" shall be substituted.

New sections inserted after section 161.

39. After section 161 the following shall be inserted, namely :—

[Printed *supra*, p. 169.]

Power to assign titles to officers appointed to make settlements.

40. Notwithstanding anything contained in section 29, the Chief Commissioner shall be deemed to have, and to have had, authority to assign to the Settlement-officer the title "Assistant Settlement-officer" and to the Chief Settlement-officer the title "Settlement-officer".

And whereas it is also expedient to amend the Central Provinces Local Self-government Act, 1883; It is hereby further enacted as follows :— I of 1883.

Amendment of section 41, Act I, 1883.

41. In section 41, sub-section (*1*),[a] of the said Act, for the words "has been made in any settlement-record previous to the passing of this Act" the words "is made in any settlement-record" shall be substituted.

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[a] Printed *supra*, p. 229.

ACT No. XVII OF 1889.

Received the assent of the Governor General on the 29th October, 1889.

An Act to amend the Central Provinces Tenancy Act, 1883.

IX of 1883. WHEREAS it is expedient to amend the Central Provinces Tenancy Act, 1883; It is hereby enacted as follows:—

Title and commencement.

1. (*1*) This Act may be called the Central Provinces Tenancy Act, 1889; and

(*2*) It shall come into force at once.

Definition.

2. In this Act, unless there is something repugnant in the subject or context, the word "section" means a section of the Central Provinces Tenancy Act, 1883.

IX of 1883.

Amendment of section 1, sub-section (*2*).

3. In section 1, sub-section (*2*), the words and figures "except those specified in the Scheduled Districts Act, 1874, Schedule I, Part VI," are hereby repealed.

XIV of 1874.

Amendment of section 3, clause (*2*).

4. For the Explanation to section 3, clause (*2*), the following shall be substituted, namely:—

[Printed *supra*, p. 234.]

Amendment of section 3, clause (*11*).

5. For section 3, clause (*11*), the following shall be substituted, namely:—

[Printed *supra*, p. 236.]

New section substituted for section 4.

6. For section 4 the following shall be substituted, namely:—

[Printed *supra*, p. 237.]

Addition to section 33.

7. To section 33 the following sub-section shall be added, namely:—

[Printed *supra*, p. 244.]

New section inserted after section 35.

8. After section 35 the following shall be inserted, namely:—

[Printed *supra*, p. 244.]

Amendment of section 38.

9. In section 38, sub-section (*5*), after the words "is sold" the words "or is foreclosed" shall be inserted; and in sub-section (*7*) of the same section, for the words "shall be void" the words "shall be void as against the landlord" shall be substituted.

Amendment of section 43.

10. For the portion of section 43, sub-section (*2*), beginning with the words "shall be void" and ending with the words "with his landlord's consent" the following shall be substituted, namely:—

[Printed *supra*, p. 247.]

New sections inserted after section 50.

11. After section 50 the following shall be inserted, namely:—

[Printed *supra*, pp. 249 and 250.]

New section substituted for section 51.

12. For section 51 the following shall be substituted, namely:—

[Printed *supra*, p. 250.]

New section substituted for section 53.

13. For section 53 the following shall be substituted, namely :—

[Printed *supra*, p. 251.]

Amendment of section 54.

14. In section 54, for the words "sections 14 and 15" the words "sections 13, 14, 15 and 54A" shall be substituted.

New section inserted after section 54.

15. After section 54 the following shall be inserted, namely :—

[Printed *supra*, p. 251.]

Amendment of section 61.

16. In section 61, sub-section (2), for the words "shall be void, unless it is entered into with his landlord's consent" the words "shall be void as against his landlord, unless it is entered into with the landlord's consent" shall be substituted.

New clause inserted after section 63, clause (*f*).

17. After section 63, clause (*f*), the following shall be inserted, namely :—

[Printed *supra*, p. 254.]

Application of section 7, Act I of 1887.

18. The provisions of section 7 of the General Clauses Act, 1887,[a] shall apply to the Central Provinces Tenancy Act, 1883, as amended by this Act. I of 1887. IX of 1883.

THE CENTRAL PROVINCES MUNICIPAL ACT, 1889.

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[a] Printed, General Acts, 1885-88, Ed. 1889, p. 116.

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ACT No. XVIII OF 1889.

Received the assent of the Governor General on the 13th December, 1889.

An Act to make better provision for the Organization and Administration of Municipalities in the Central Provinces.

WHEREAS it is expedient to make better provision for the organization and administration of municipalities in the Central Provinces; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Title, extent and commencement.

1. (*1*) This Act may be called the Central Provinces Municipal Act, 1889.

(*2*) It extends to the territories for the time being administered by the Chief Commissioner of the Central Provinces; and

(*3*) It shall come into force on the first day of January, 1890.

Repeal.

2. (*1*) The Central Provinces Municipal Act, 1873, is hereby repealed:

(*2*) But all municipalities constituted, committees established, limits defined, appointments, rules, orders and bye-laws made, notifications and notices issued, taxes and rates imposed, contracts entered into and suits instituted under the said Act, or under any enactment thereby repealed, shall, so far as may be, be deemed to have been respectively constituted, established, defined, made, issued, imposed, entered into and instituted under this Act.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "municipality" means a local area declared by or under this Act to be a municipality:

(*2*) "committee" means a municipal committee established by or under this Act:

(*3*) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway:

(*4*) "owner", used with reference to any building or land, includes the person who is receiving the rent of the building or land, whether on his own account or as agent or trustee, or who would so receive the rent if the building or land were let to a tenant:

(*5*) "prescribed" means prescribed by rules made under this Act by the Local Government.

4. (*1*) The Local Government may, by notification published in the official Gazette and in the prescribed manner within the local area affected, declare its intention to constitute as a municipality under this Act any town or any group of towns in the immediate neighbourhood of one another.

Notification of intention to constitute a municipality.

(*2*) Every notification under this section shall define the limits of the town or group of towns to which it refers, and may include within those limits any railway-station, village, building or land in the vicinity of any such town:

Provided that it shall not, without the previous sanction of the Governor General in Council, so include any part of a military cantonment.

5. (*1*) Any inhabitant of a local area in respect of which a notification has been published under the last foregoing section may, if he objects to the constitution of the proposed municipality, submit his objection in writing to the Local Government within three months from the date of the publication of the notification in the Gazette, and the Local Government shall take his objection into consideration.

Consideration of objections and constitution of the municipality.

(*2*) When three months from such date have expired and the Local Government has considered the objections, if any, which have been submitted under sub-section (*1*), the Local Government may, by a notification[a] in the official Gazette, declare the local area to be a municipality.

CHAPTER II.

Organization of Committees.

Constitution of Committees.

6. (*1*) There shall be established for each municipality a committee having authority over that municipality and consisting of such number of members, not less than five, as may be prescribed.

Number and appointment of members of committee.

(*2*) Such members may be appointed, in the prescribed manner, by virtue of their office, or by nomination, or by election, or some by one and some by any other of such methods.

(*3*) Not less than two-fifths of the members of a committee shall be persons other than salaried officers of the Government.

(*4*) Every appointment of a member shall be notified in the official Gazette.

(a) No notifications have been issued under s. 5. For lists of notifications issued under similar provisions of former Acts which are kept in force by s. 2 of this Act, see Appendix I.

Rules regarding term of office, wards, class-representation and elections of committees.

7. (*1*) The Local Government may make rules(a) regarding—

(*a*) the term of office of members of committees;

(*b*) the division of any municipality into wards;

(*c*) the number of representatives to be appointed for each ward, and the manner of their appointment, whether by virtue of their office, or by nomination, or by election, or some by one and some by any other of such methods;

(*d*) the provision, if any, to be made for the special representation of any classes of the community;

(*e*) the qualifications of electors and of candidates for election;

(*f*) the registration of electors;

(*g*) the nomination of candidates, the time of election and the mode of recording votes; and

(*h*) any other matters regarding the system of representation and election.

(*2*) The Local Government may, in making such rules, direct that the breach of any provision thereof shall be punished with fine which may extend to fifty rupees.

Incorporation of committee.

8. Every committee shall be a body corporate by the name of the municipal committee of its municipality, shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to the rules under section 129, to transfer any property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

Appointment of president and vice-president.

9. (*1*) There shall be a president and vice-president of every committee.

(*2*) The Local Government may appoint the president or vice-president, or both of them, or may authorise any committee to elect its president or vice-president, or both of them, subject to such rules as may be prescribed in this behalf.

(*3*) The election of a president or vice-president shall not be valid until it has been confirmed by the Local Government and has been notified in the official Gazette.

(*4*) A president and vice-president shall hold office for such term as may be prescribed.

(*5*) When a person not already a member of the committee is appointed or elected president or vice-president, he shall, notwithstanding anything in the foregoing sections, become a member of the committee by virtue of his

(a) After previous publication—see s. 141, *infra*, p. 326.

appointment or election, and shall continue to be a member so long as he holds office as president or vice-president.

Removal of president, vice-president and members of committee.

10. The Local Government may, at any time, remove the president or vice-president or any other member of a committee—

(*a*) if he refuses to act or becomes incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unfits him to be the president or vice-president or a member of the committee;

(*b*) if he, without an excuse sufficient in the opinion of the Local Government, absents himself for more than three consecutive months from the meetings of the committee or of a sub-committee appointed under section 19;

(*c*) if his continuance in office is, in the opinion of the Local Government, undesirable in the interests of the public or the municipality.

Conduct of business.

Ordinary and special meetings.

11. (*1*) A meeting of a committee shall be either ordinary or special.

(*2*) Any business may be transacted at an ordinary meeting unless it is required by this Act or the rules thereunder to be transacted at a special meeting.

Time for holding meetings.

12. (*1*) A committee shall meet for the transaction of business at least once in every month at such time as may, from time to time, be fixed by bye-laws under section 17.

(*2*) The president or, in his absence, the vice-president may, whenever he thinks fit, and shall, on a requisition made in writing by not less than one-fifth of the members of the committee, convene either an ordinary or a special meeting at any other time.

Chairman of meeting.

13. (*1*) At every meeting of a committee the president, if present, shall preside as chairman.

(*2*) If, when any meeting is held, the office of president is vacant, or the president is absent from the meeting, and the vice-president is present, the vice-president shall preside as chairman.

(*3*) In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

Quorum.

14. (*1*) The quorum necessary for the transaction of business at a special meeting of a committee shall be one-half of the committee.

(*2*) The quorum necessary for the transaction of business at an ordinary

meeting of a committee shall be such number or proportion of the members of the committee as may, from time to time, be fixed by bye-laws under section 17, but shall be not less than three :

Provided that, if at any ordinary or special meeting of the committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and transacted at, the adjourned meeting, whether there is a quorum present thereat or not.

Vote of majority decisive.

15. Except as otherwise provided by this Act or by rules or bye-laws thereunder, all questions which come before any meeting of a committee shall be decided by a majority of the votes of the members present, and, in case of an equality of votes, the chairman of the meeting shall have a second or casting vote.

Record and publication of proceedings.

16. (*1*) Minutes of the proceedings at each meeting of a committee shall be recorded in a book to be kept for the purpose, shall be signed by the chairman of the meeting or of the next ensuing meeting, shall be published in the manner prescribed, and shall, at all reasonable times and without charge, be open to the inspection of any inhabitant of the municipality.

(*2*) A copy of every resolution passed by a committee at a meeting shall, within six days from the date of the meeting, be forwarded to the Deputy Commissioner of the district.

Bye-laws for conduct of business.

17. (*1*) Every committee may, from time to time, at a special meeting, with the previous sanction of the Local Government, make bye-laws consistent with this Act and the rules thereunder for regulating—

(*a*) the time and place of its meetings;

(*b*) the conduct of its business;

(*c*) the quorum necessary for the transaction of business at ordinary meetings;

(*d*) the division of duties among the members of the committee;

(*e*) the duties, salaries, appointment, suspension, fining and removal of the officers and servants of the committee;

(*f*) the persons by whom receipts may be granted on behalf of the committee for money received under this Act; and

(*g*) all other similar matters.

(*2*) In the case of such officers and servants as may be prescribed, all orders of a committee fining or removing an officer or servant shall be appealable to the Deputy Commissioner.

Joint Committees.

18. (*1*) A committee may, from time to time, concur with any other committee, or with a district council, or with an independent local board, or with a cantonment authority, or with more than one such committee, council, board or authority, in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of the joint committee, and in delegating to any such joint committee any power which might be exercised by either or any of the committees, councils, boards or authorities, and in framing and modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating to the purpose for which the joint committee is appointed. Joint committees.

(*2*) If any difference of opinion arises between committees, councils, boards or authorities acting under this section, the decision thereon of the Commissioner of the division if the areas under the committees, councils, boards or authorities are in the same division, or of the Local Government if those areas are in different divisions, shall be final.

Sub-Committees.

19. (*1*) With the previous sanction of the Local Government, a committee may, from time to time, appoint the members appointed for any one or more wards to be a sub-committee for the management of the ward or wards, and may delegate to the sub-committee all or any of the powers of the committee to be exercised within the ward or wards subject to such conditions as may be prescribed. Sub-committees.

(*2*) The sub-committee shall, if necessary, from time to time, appoint in the manner prescribed, one of its members to be chairman of the sub-committee.

Officers and Servants.

20. (*1*) Every committee shall, from time to time, at a special meeting and subject to the approval of the Local Government, appoint one or more of its members, or, with the sanction of the Local Government, any other person or persons, to be its secretary or secretaries, and may, at a like meeting and subject to the like approval, remove any person so appointed. Appointment of secretary.

(*2*) When a member of the committee is appointed to be secretary, he shall receive no remuneration in respect of his services. In other cases the committee may, with the previous sanction of the Local Government, assign to a secretary such salary as the committee thinks fit.

(*3*) Every sub-committee may, from time to time, appoint and remove its

secretary in the like manner and subject to the like approval and with the like sanction as provided in the case of a committee by sub-section (*1*), and the provisions of sub-section (*2*) shall apply to a secretary of a sub-committee.

Employment of other officers and servants.

21. Subject to the other provisions of this Act, and to such rules as the Local Government may make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, a committee may employ, in addition to its secretary, such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to such officers and servants such pay as it thinks fit.

Power to prevent extravagance in establishments.

22. If, in the opinion of the Commissioner of the division, the number of persons employed by a committee as officers or servants, or whom the committee propose to employ as such, or the remuneration assigned by the committee to those persons or any of them, is excessive, the committee shall, on the requirement of the Commissioner, reduce the number of those persons or the remuneration, as the case may be:

Provided that the committee may appeal against any such requirement to the Local Government, and the decision of the Local Government on any such appeal shall be final.

Pensions of Government officials serving committees.

23. In the case of a Government official a committee may—

(*1*) if his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the rules of the Civil Service Regulations for the time being in force; and

(*2*) if he devotes only a part of his time to the performance of duties in behalf of the committee, make a contribution on account of his pension or gratuity and leave-allowances in such proportion as may be determined by the Government.

Pensions of others.

24. In the case of an officer or servant not being a Government official, a committee may, with the previous sanction of the Local Government,—

(*1*) grant him leave-allowances and, if he is not entitled to pension or if his monthly pay be less than ten rupees, a gratuity; and

(*2*) if empowered in this behalf by the Local Government,—

(*a*) subscribe on his behalf for pension or gratuity under the rules of the Civil Service Regulations for the time being in force; or

(*b*) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which, under the Civil Service Regulations for the time

being in force, the officer or servant would be entitled if the service had been service under Government.

Contracts.

Authority to contract.

25. (*1*) A committee may delegate to one or more of its members or to a secretary the power of entering on its behalf into any particular contract whereof the value or amount does not exceed two hundred rupees, or into any class of such contracts.

(*2*) A contract whereof the value or amount exceeds two hundred rupees shall not be entered into until it has been sanctioned by the committee at a meeting.

Mode of entering into contracts.

26. (*1*) Every contract made by or on behalf of a committee whereof the value or amount exceeds twenty rupees shall be in writing.

(*2*) Every such contract shall be signed by the president or vice-president and a secretary:

Provided that the committee may delegate to one or more of its members or to a secretary the power of signing any contracts which he or they is or are empowered to enter into under section 25, sub-section (*1*).

(*3*) If a contract to which this section applies is entered into otherwise than in conformity therewith, it shall not be binding on the committee.

Privileges and Liabilities.

Bar of suit in absence of notice.

27. (*1*) No suit shall be instituted against a committee or any of its officers or any person acting under its direction for anything done or purporting to be done under this Act, until the expiration of two months next after notice in writing has been, in the case of a committee, delivered or left at its office and, in the case of an officer or person, delivered to him or left at his office or usual place of abode, stating the cause of action, the name and place of abode of the intended plaintiff and the relief which he claims.

(*2*) Unless service of such notice be proved the Court shall dismiss the suit.

(*3*) Every such suit shall be dismissed unless it is instituted within six months from the date of the accrual of the alleged cause of action.

(*4*) If it is proved to the satisfaction of the Court that before the suit was instituted tender of sufficient amends had been made to the plaintiff, the plaintiff shall not recover his costs or anything beyond the amount of such tender, and shall defray the costs of the defendant in the suit.

(*5*) This section shall not apply to any suit instituted under section 54 of the Specific Relief Act, 1877. [a]

1 of 1877.

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[a] Printed, General Acts, 1877 81, Ed. 1884, p. 34.

Liability of members for loss, waste or misapplication.

28. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to, or under the control of, the committee, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the committee; and a suit for compensation for the same may be instituted against him by the committee with the previous sanction of the Commissioner of the division, or by the Secretary of State for India in Council.

CHAPTER III.

TAXATION AND MUNICIPAL FUND.

Taxation.

Taxes which may be imposed.

29. Subject to any general rules or special orders which the Governor General in Council may make in this behalf, a committee may, for the purposes of this Act, impose, with the sanction hereinafter specified in each case and in the manner prescribed by section 30, any of the following taxes, namely:—

(*1*) with the previous sanction of the Local Government,—

(*a*) a tax on houses, buildings or lands situate within the municipality, not exceeding seven and a half per centum of the gross annual letting value of the houses, buildings or lands;

(*b*) a tax on persons occupying houses, buildings or lands within the municipality according to their circumstances and property within the municipality;

(*c*) a tax on persons exercising any profession or art, or carrying on any trade or calling, in the municipality;

(*d*) a tax on all or any vehicles or animals used for riding, driving, draught or burden when such vehicles or animals are kept within the municipality;

(*e*) a tax on vehicles and animals used as aforesaid entering the municipality, and on boats moored therein;

(*f*) an octroi on goods or animals brought within the municipality for consumption or used(a) therein;

(*g*) market-dues on dealers using any building, structure, market, bázár or ganj belonging to or under the control of the committee, or exposing goods for sale in any place belonging to the Government or to the committee or under its control;

(a) *Sic. Read* use.

(*h*) fees on the registration of cattle sold within the municipality;

(*i*) a latrine or conservancy cess upon private latrines, premises or compounds cleansed by municipal servants, or a cess for the use of public latrines; and

(*j*) a water-rate when water is supplied by the committee:

(*2*) with the previous sanction of the Local Government and of the Governor General in Council, any other tax.

Procedure in imposing taxes.

30. (*1*) A committee may resolve at a special meeting to propose the imposition of any tax for the purposes of this Act.

(*2*) When a resolution has been passed under sub-section (*1*) the committee shall publish in the manner prescribed a notice defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed, and the system of assessment to be adopted.

(*3*) Any inhabitant of the municipality objecting to the proposed tax may, within a month from the publication of the notice, submit his objection in writing to the committee, and the committee shall, at a special meeting, take his objection into consideration.

(*4*) If no objection is submitted within the said period of a month under sub-section (*3*), or if the objections so submitted, having been considered as aforesaid, are deemed insufficient, the committee may forward its proposals to the Local Government with the objections, if any, which have been submitted as aforesaid.

(*5*) The Local Government on receiving proposals under sub-section (*4*) may sanction the same, or refuse to sanction them, or return them to the committee for further consideration.

(*6*) When the Local Government sanctions any proposals which, under section 29, clause (*2*), require the further sanction of the Governor General in Council, it shall submit those proposals to the Governor General in Council, with the objections, if any, received through the committee; and the Governor General in Council may sanction the proposals, or refuse to sanction them, or return them to the Local Government for further consideration.

(*7*) When the proposals of the committee have been sanctioned by the Local Government or by the Local Government and the Governor General in Council, as the case may be, the committee may, at a special meeting, direct the imposition of the tax in accordance with those proposals from such date as may be sanctioned by the Local Government.

Tax not invalid for

31. A tax imposed under this Act shall not be invalid for defect of form, and, when any property is described for the purpose of assessing any such tax,

defect of form.

it shall be sufficient to describe it so that it shall be generally known, and it shall not be necessary to name the owner or occupier.

Taxes when payable.

32. Any tax imposed under this Act and payable periodically shall be payable on such dates and in such instalments, if any, as the committee, with the previous sanction of the Local Government, may, by rule, from time to time direct.

Power of committee to abolish or reduce tax.

33. A committee, by a resolution passed at a special meeting and confirmed by the Local Government, may abolish or reduce any tax imposed under this Act or suspend the operation of any tax within any part of the municipality for any specified period.

Power of Local Government to abolish or reduce tax.

34. For reasons to be recorded in writing the Local Government may exercise the powers conferred on a committee by the last foregoing section.

Recovery of taxes.

35. (*1*) Arrears of any tax imposed under this Act may be recovered, on application to a Magistrate having jurisdiction within the limits of the municipality, by the distress and sale of any moveable property belonging to the defaulter within those limits.

(*2*) If the arrear is due in respect of immoveable property, it shall, subject to any claim on behalf of Her Majesty, be a first charge on the property, and shall be recoverable, on application made in this behalf by the committee to the Deputy Commissioner of the district, as if the property were land assessed to land-revenue and the arrear were an arrear of such revenue due thereon :

Provided that nothing in this sub-section shall authorize the arrest of a defaulter.

Municipal Fund and Property.

Constitution of Municipal Fund.

36. There shall be formed for each municipality a Municipal Fund, and there shall be placed to the credit thereof—

(*a*) all sums received by or on behalf of the committee;

(*b*) all fines recovered from persons convicted of offences committed within the municipality against this Act or the rules thereunder or against section 34 of Act V of 1861 [a] (*for the Regulation of Police*) or against Act III of 1867 [b] (*to provide for the punishment of public gambling and the keeping of common gaming-houses*) ;

(*c*) the balance (if any) standing at the commencement of this Act at the credit of the Municipal Fund under the control of the committee.

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[a] Printed, General Acts, 1834-66, Ed. 1887, p. 370.
[b] Printed *supra*, p. 25.

37. (*1*) The committee shall set apart and apply annually out of the municipal Fund— Application of fund.

(*a*) *first*, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;

(*b*) *secondly*, such sum as may be required to meet the charges of its own establishment, including such subscriptions and contributions as are referred to in sections 23 and 24, and such sum as may be required for the maintenance of a police-establishment under Chapter IV;

(*c*) *thirdly*, such sum as may be required to pay the expenses of pauper lunatics sent to public asylums from the municipality, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of the Provincial Departments for Education, Sanitation, Vaccination, Medical Relief and Public Works as may be held by the Local Government to be equitably debitable to the committee in return for services rendered to it by these Departments;

(*d*) *fourthly*, the cost of the construction and maintenance of buildings for the offices of the committee.

(*2*) Subject to the charges specified in sub-section (*1*) and to such rules as the Local Government may make with respect to the priority to be given to the several duties of the committee, the Municipal Fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the limits of the municipality, and, with the sanction of the Commissioner of the division, to the payment of the like charges and expenses outside those limits when such application of the Fund is for the benefit of the inhabitants of the municipality, namely :—

(*a*) the construction, maintenance, improvement, cleansing and repair of streets and public bridges, embankments, drains, latrines, tanks and water-courses;

(*b*) the watering and lighting of the streets or any of them;

(*c*) the construction, establishment and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education or for the benefit of the public health, and of rest-houses, sarais, poor-houses, markets, encamping-grounds, recreation-grounds, gardens, parks, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions;

(*d*) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper-asylums and other educational or charitable institutions;

(*e*) the training of teachers and the establishment of scholarships;

(*f*) the giving of relief and the establishment and maintenance of relief-works in time of famine or scarcity;

(*g*) the supply, storage and preservation from pollution of water for the use of men or animals;

(*h*) the planting and preservation of trees;

(*i*) the taking of a census, and the registration of births, marriages and deaths;

(*j*) public vaccination and any other sanitary measure;

(*k*) the holding of fairs and industrial exhibitions; and

(*l*) all acts and things likely to promote the safety, health, welfare or convenience of the inhabitants.

Custody and investment of Municipal Fund.

38. (*1*) In places where there is a Government treasury or sub-treasury, or a bank to which the Government treasury business has been made over, the Municipal Fund shall be kept in the treasury, sub-treasury or bank.

(*2*) In places where there is no such treasury or sub-treasury or bank, the Municipal Fund may be deposited with any banker, or person acting as a banker, who has given such security for the safe custody and re-payment on demand of the Fund so deposited as the Local Government may in each case think sufficient.

(*3*) A committee may, from time to time, with the previous sanction of the Local Government, invest any portion of its Municipal Fund in securities of the Government of India or such other securities as the Governor General in Council may approve in this behalf, and vary such investments for others of the like nature. The income resulting from the securities and proceeds of the sale of the same shall be credited to the Municipal Fund.

Vesting of public property in committee.

39. (*1*) All streets, roads and bridges over which the public have a right of way, all tanks, wells, ghats, channels, sewers and drains within the municipality, not being private property or specifically excepted by an order of the Local Government, together with the pavements, stones and other materials thereof, and all erections, materials, implements and other things provided therefor, shall vest in and belong to the committee and shall be held and applied by it for the purposes of this Act.

(*2*) The Local Government may, by notification in the official Gazette, direct that any property which has vested under sub-section (*1*) in the committee shall cease to be so vested, and thereupon the property specified in the notification shall cease to be so vested, and the Local Government may pass such orders as it thinks fit regarding the disposal and management of such property.

CHAPTER IV.

Municipal Police.

Police-establishment.

40. (*1*) Every committee shall, unless it is relieved of this obligation by the Local Government, maintain a sufficient police-establishment for police requirements within municipal limits and for the performance of the duties imposed on the committee by this Act.

XIII of 1889.

(*2*) Subject to the provisions of the Cantonments Act, 1889, the establishment maintained under sub-section (*1*) shall, as the committee with the approval of the Local Government may, from time to time, determine, be either a body of watchmen or a part of the general police-force under the Local Government within the meaning of section 2 of Act V of 1861;(a) or partly one and partly the other; and it shall consist of such number of officers and men, and the officers and men shall receive such pay, leave-allowances, gratuities and pensions, as the committee may, from time to time, after consultation with the District Magistrate and the Inspector General of Police, and subject to the final decision of the Local Government, direct.

BENGAL SECRETARIAT LIBRARY.

Relief of committee from police-charges.

41. (*1*) The Local Government may relieve any committee of the whole or a part of the cost of the police-establishment, and may enter into a contract with the committee, on such terms as may be agreed on, that, in consideration of such relief, the committee shall pay periodically a sum not exceeding the amount thereof, or undertake any services within the municipality to which the Municipal Fund can properly be applied, and which are estimated to cost not more than the amount of the relief.

(*2*) When a committee is relieved under this section of the whole or a part of the cost of the police-establishment, the Local Government shall maintain such police-establishment as it considers necessary, and, subject to the provisions of the Cantonments Act, 1889, the establishment so maintained may be either a body of watchmen or a part of the general police-force under the Local Government within the meaning of section 2 of Act V of 1861,(a) or partly one and partly the other.

XIII of 1889.

Appointment, liabilities and duties of municipal watchmen.

42. (*1*) If the establishment maintained under this Chapter is wholly or in part a body of watchmen, the watchmen shall—

(*a*) be under the orders of the District Superintendent of Police subject to the general control of the District Magistrate;

(*b*) be appointed and promoted, and be liable to dismissal, suspension, reduction or fine under such rules as the Local Government may make in this behalf;

(a) Printed, General Acts, 1834-66, Ed. 1887, p. 364.

(*c*) perform such duties as the Local Government may, subject to the provisions of this Act, direct; and

(*d*) possess the same powers, be entitled to the same assistance, enjoy the same protection, be subject to the same responsibilities and be liable to the same penalties as if they were police-officers enrolled under Act V of 1861.(a)

(2) Any person obstructing any such watchman in the discharge of his duties may be arrested without warrant by a police-officer or by any such watchman.

Duties of municipal police enrolled under Act V of 1861.

43. If the establishment maintained under this Chapter or any portion of such establishment is part of the general police-force, the Local Government may, notwithstanding anything in Act V of 1861(a) or in any other Act for the time being in force, define, subject to the provisions of this Act, the duties which the officers and men of the establishment or such portion thereof may or may not be required to perform.

Police-protection at fairs.

44. When special police-protection is, in the opinion of the Local Government, requisite on the occasion of any fair, agricultural show or industrial exhibition managed by a committee, or any religious ceremony or festival held within the municipality, the Local Government may provide such protection, and the committee shall pay the whole charge thereof or such portion of the charge as the Local Government may consider equitably debitable to it.

CHAPTER V.

Powers for Sanitary and other Purposes.

Streets and Buildings.

Power to acquire land for building-sites adjoining new streets.

45. When any land is required for a new street or for the improvement of an existing street, the committee may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on the sides of the street.

Power to close streets.

46. The committee may close temporarily any street or any part thereof for the purpose of repairs, or for the purpose of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose, and may divert, discontinue or permanently close any street vested in the committee and sell the land or such part thereof as is not required for the purposes of this Act.

(a) Printed, General Acts, 1834-66, Ed. 1887, p. 363.

47. The committee may grant permission in writing for the temporary occupation of any street or land vested in it for the purpose of depositing any building-materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw the permission.

Power to permit temporary occupation of streets or land.

48. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

Power to attach brackets for lamps.

49. The committee at a meeting may cause a name to be given to any street, and to be affixed on any building in such place as it thinks fit, and may also cause a number to be affixed to any building; and in like manner may, from time to time, cause such names and numbers to be altered.

Names of streets and numbers of buildings.

50. The committee at a meeting may direct that, within certain limits, to be fixed by it, the roofs and external walls of huts or other buildings shall not be made or renewed of grass, mats, leaves or other highly inflammable materials unless with the permission of the committee in writing; and the committee may, by notice, require any person who has disobeyed any such direction to remove or alter as it may think fit the roofs or walls so made or renewed.

Roofs and external walls not to be made of inflammable materials.

51. (*1*) If any building or part of a building projects beyond the front of the building on either side thereof, or beyond the regular line of a street, either existing or determined on for the future, the committee may, whenever the building or part has been either entirely or in greater part taken down or burnt down or has fallen down, require by notice the building or part, when being re-built, to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back or removal shall become part of the street and shall vest in the committee:

Power to regulate line of buildings.

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

(*2*) The committee may, on such terms as it thinks fit, allow any building to be set forward for the improvement of the line of the street.

52. (*1*) Every person intending to erect or re-erect any building shall, if required to do so by rule made by the committee in this behalf, give notice in writing of his intention to the committee, and shall, if required to do so, submit a plan showing the levels at which the foundation and lowest floor are proposed to be laid, and specifications of the works intended to be constructed, and the materials to be used, and shall obey all written direc-

Notice of new buildings.

tions consistent with this Act which may be given by the committee within one month after receiving such notice, either prohibiting the erection or re-erection, if deemed likely to be injurious to the inhabitants of the neighbourhood, or in respect of all or any of the matters following, namely :—

(*a*) free passage or way in front of the building ;

(*b*) space to be left about the building to secure free circulation of air and facilitate scavenging ;

(*c*) ventilation and drainage ;

(*d*) level and width of foundation, level of lowest floor and stability of structure ; and

(*e*) the line or frontage with neighbouring buildings, if the building abuts on a street :

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of the prohibition of the re-erection of any building or of the committee requiring any land belonging to him to be added to the street.

(*2*) If any such building is erected or re-erected, wholly or in part, without such notice being given, or without the submission of particulars as aforesaid when required, or in contravention of the lawful directions of the committee issued within one month, the committee may by notice require the building to be altered or demolished, as it may deem necessary.

Explanation.—The expression "erect any building" includes erecting any wall and all additions and alterations which involve new foundations or increased superstructure on existing foundations, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only.

Removal of projections and obstructions.

53. (*1*) It shall not be lawful, unless with the written permission of the committee, for the owner or occupier of any building in a street to add to, or place against or in front of, the building any projection or structure overhanging, projecting into or encroaching on the street or into or on any drain, sewer or aqueduct therein.

(*2*) The committee may by notice require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction built or placed against or in front thereof, if the same overhangs or projects into or encroaches on any street or projects into or encroaches on any drain, sewer or aqueduct in the street :

Provided that, in the case of a projection, encroachment or obstruction being lawfully in existence at the time of the passing of this Act, the com-

mittee shall make reasonable compensation to any person who suffers damage by the removal or alteration.

(*3*) The committee may give written permission to the owners or occupiers of buildings in streets to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement-wall, and at a height from the level of the ground or street, to be specified in the written permission.

Bathing and Washing Places.

Bathing and washing places.

54. The committee may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants of the municipality; and, may by public notice, prohibit bathing, or washing animals or clothes, in any public place not so set apart, or at times or by persons other than those specified, and all other acts not so permitted which may render water in public places foul or unfit for use or may cause inconvenience or annoyance to persons using the bathing or washing places.

Deposit of Offensive Matter and Slaughter-places.

Removal and deposit of offensive matter.

55. The committee may fix places within or, with the approval of the Deputy Commissioner of the district, beyond the limits of the municipality for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

Places for slaughter of animals for sale.

56. (*1*) The committee may, with the approval of the Deputy Commissioner of the district, fix and abolish places either within or without the limits of the municipality for the slaughter of animals for sale, or of any specified description of such animals, and may with the like approval grant and withdraw licenses for the use of such places, or, if they belong to, or are under the control of, the committee, charge rent or fees for the use of the same.

(*2*) When such places are fixed by the committee beyond municipal limits, it shall have the same power to make rules for the inspection and proper regulation of the same as if they were within those limits.

(*3*) When any such place has been fixed, no person shall slaughter for sale any such animal at any other place within the municipality.

Slaughter of animals for other purposes.

57. Whenever it appears to the Deputy Commissioner of the district to be necessary for the preservation of the public peace or order, he may, with the previous sanction of the Commissioner of the division, prohibit or regulate, by notification published in the manner prescribed, the slaughter within the limits of a municipality of animals, or of any specified description of animals, for purposes other than sale, and prescribe the mode and route in and by which meat shall be conveyed from the place where such animals are slaughtered.

Burial and Burning Places.

Powers in respect of burial and burning places.

58. (*1*) The committee may by public notice order(a) any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood to be closed from a date to be specified in the notice, and shall in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

(*2*) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf:

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owners thereof.

(*3*) No burial or burning ground, whether public or private, shall be made or formed, after the commencement of this Act, without the permission in writing of the committee.

Removal of corpses.

59. The committee may, by public notice, prescribe routes for the removal of corpses to burial or burning places.

Inflammable Materials.

Inflammable materials.

60. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice prohibit all persons from stacking or collecting dry grass, straw or other inflammable materials, or placing mats or thatched huts or lighting fires, in any place or within any limits specified in the notice.

Powers of Entry and Inspection.

Inspection of privies, drains and cesspools.

61. (*1*) The committee, by any person authorized by it in this behalf, may, after giving six hours' notice to the occupier or, if there is no occupier, to the owner of any building or land in which any privies, drains or cesspools are situate, inspect any such privies, drains or cesspools at any time between sunrise and

(a) As to appeal from orders under s. 58, see s. 91, *infra*, p. 315.

sunset, and may, if necessary, cause the ground to be opened where the committee or person may think fit for the purpose of preventing or removing any nuisance arising from the privies, drains or cesspools.

(*2*) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the building or land; but if it is found that no nuisance exists, or but for such opening would have arisen, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be borne by the committee.

Power to enter and inspect buildings.

62. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier or, if there is no occupier, to the owner of any building, at any time between sunrise and sunset enter and inspect the building, and may by notice direct all or any part thereof to be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons.

Other powers of entry on buildings or land.

63. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier or, if there is no occupier, to the owner of any building or land, at any time between sunrise and sunset—

(*a*) enter on and survey and take levels of any land;

(*b*) enter, inspect and measure any building for the purpose of valuation;

(*c*) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains or of executing or repairing any work which the committee is by this Act empowered to execute or maintain.

Power to enter for discovery of animals or vehicles liable to taxation.

64. The committee, by any person authorized by it in this behalf, may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any animal or vehicle which is liable to taxation under this Act and for which a license has not been duly taken out.

Power to inspect places for sale of food or drink, &c., and to seize unwholesome articles exposed for sale.

65. (*1*) The committee, by any person authorized by it in this behalf, may, at all reasonable times, enter into and inspect any market, building, shop, stall or place used for the sale or storage of articles intended for food or drink for man, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, animal or drug which may be therein; and, if any article of food or drink or any animal therein appears to be intended for the consumption of man and to be unfit therefor, may seize and remove the same, or, if the owner or the person in whose possession the same is found consents, may

cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption;

and, in case any drug is reasonably suspected to be adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause it to be brought before a Magistrate for inquiry whether any offence has been committed in respect thereof, and for his orders as to its disposal.

(*2*) If the committee, or any person authorized by it in this behalf, applies to purchase any article of food or drink exposed for sale, and tenders the price for a quantity such as may be reasonably requisite for the purpose of analysis, the person exposing the same for sale shall be bound to sell such quantity.

Power of entry for purpose of scavenging.

66. (*1*) The committee may provide for the performance by its agents of the duties usually performed by sweepers in respect of any building or land, or of any privy, drain, cesspool or other receptacle for offensive matter pertaining to any building or land with the consent of the occupier of the building or land or without such consent if the occupier fails to make arrangements to the satisfaction of the committee for the performance of such duties.

(*2*) When the committee has undertaken to provide for the performance by its agents of such duties as aforesaid, the persons employed by it to perform the same may enter on the property at all reasonable times so far as may be necessary for the proper discharge of those duties; and the committee, by any person authorized by it in this behalf, may enter on the property at all reasonable times for the purpose of ascertaining that such duties have been duly performed.

Precautions to be observed in entering dwelling.

67. When any building used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious sentiments of the occupiers; and, before any apartment in the actual occupancy of any woman, who according to custom does not appear in public, is entered under this Act, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Water-pipes, Privies and Drains.

Troughs and pipes for rain-water.

68. The committee may by notice require the owner of any building in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the roof and other parts thereof and for discharging the same so as not to cause injury to the street or inconvenience to persons passing along the street.

Provision of

69. (*1*) The committee may by notice require the owner of any building

to provide, in such manner as the committee directs, any privy or cesspool, or additional privies or cesspools, which should in the opinion of the committee be provided for the building. privies or cesspools.

(2) The committee may by notice require any persons employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit and to cause the same to be kept in proper order and to be daily cleaned.

(3) The committee may by notice require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee directs, any door or trap-door of a privy opening on to any street or drain.

70. (1) The committee may by notice require the owner or occupier of any building or land to repair or alter or put in good order any privy, drain or cesspool, or to close any cesspool belonging thereto. Repair and closing of privies, drains and cesspools.

(2) The committee may by notice require any person who constructs any new privy, drain or cesspool without its permission in writing or contrary to its directions or regulations or to the provisions of this Act, or who constructs, rebuilds or opens any privy, drain or cesspool which the committee has ordered to be removed or stopped up or not to be made, to remove the privy, drain or cesspool, or to make such alteration therein as the committee thinks fit.

71. The committee may by notice require any person who without its permission in writing newly erects or rebuilds any building over any public sewer, drain, culvert, water-course or water-pipe vested in the committee to pull down or otherwise deal with the building as it thinks fit. Unauthorized buildings over drains.

72. The committee may by notice require any owner or occupier on whose land any drain, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use to remove or close the same within one week. Removal of drains, latrines or cesspools near any source of water-supply.

73. The committee may by notice require the owner or occupier of any building or land to cleanse, repair, cover, fill up or drain off any private tank, well, reservoir, pool or excavation therein which appears to the committee to be injurious to health or offensive to the neighbourhood: Power to require drainage of unwholesome tanks.

Provided that, if for the purpose of effecting under this section any drainage it is necessary to acquire any land not belonging to such owner or occupier, or to pay compensation to any other person, the committee shall provide the land or pay the compensation.

Dangerous Buildings and Places.

Power to require buildings, wells, tanks or excavations to be secured.

74. If any building, or any well, tank or other excavation, is for want of sufficient repair, protection or enclosure dangerous to persons passing by or dwelling or working in the neighbourhood, the committee may by notice require the owner or occupier thereof to repair, protect or enclose the same; and, if it appears to the committee to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps as are necessary to avert the danger.

Power to require building, wall or structure in ruinous or dangerous state to be removed or repaired.

75. If any building, wall or structure or anything affixed thereto is deemed by the committee to be in a ruinous state or in any way dangerous, it may by notice require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall or structure or thing affixed thereto as the committee considers necessary for the public safety; and, if it appears to the committee to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps as are necessary to avert the danger.

Buildings and Grounds in Insanitary Condition.

Power to require owner to clear away noxious vegetation.

76. The committee may by notice require the owner or occupier of any land to clear away and remove any thick or noxious vegetation or undergrowth which appears to the committee to be injurious to health or offensive to the neighbourhood.

Power to require owner to trim hedges and trees bordering on street.

77. The committee may by notice require the owner or occupier of any land to cut or trim, within three days, the hedges standing on the land and bordering on any street, or the branches of trees growing on the land and overhanging any street and obstructing the same or causing danger thereto, or so overhanging any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

Power to require filthy buildings or land to be cleaned.

78. If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the committee may by notice require him to cleanse the same or otherwise put it in a proper state within twenty-four hours.

Power to prohibit use for human habitation of buildings unfit for such use.

79. If any building appears to the committee to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or for other sufficient reason, the committee may by notice prohibit(a) the owner or occupier of the building from using it for human habitation or suffering it to

(a) As to appeal from orders under s. 79, see s. 91, *infra*, p. 315.

be so used, until the committee is satisfied that it has been rendered fit for such use.

Power to require untenanted buildings becoming a nuisance to be secured or enclosed.

80. The committee may by notice require the owner or person claiming to be the owner of any building or land which, by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time specified in the notice.

Power to prohibit cultivation, use of manure or irrigation injurious to health.

81. (*1*) If the Sanitary Commissioner reports that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of any municipality is injurious to the health of persons dwelling in the neighbourhood, the Local Government may, by notification in the official Gazette, prohibit the cultivation of the crop, the use of the manure or the irrigation so reported to be injurious, or regulate it by imposing such conditions as may prevent the injury.

(*2*) When on any land to which the notification applies that description of crop has been cultivated, that kind of manure has been used or irrigation has been practised in that manner during the five years preceding the notification with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the Municipal Fund to all persons interested in that land for any damage caused to them by the prohibition or regulation.

Offensive and Dangerous Trades.

Regulation of offensive and dangerous trades.

82. (*1*) The owner or occupier of every place situate within the municipality and used for any of the following purposes, namely :—

melting tallow; or

boiling bones, offal or blood; or

as a soap-house, oil-boiling house, dyeing-house or tannery; or

as a brick-kiln, pottery or lime-kiln; or

as any other manufactory or place of business from which offensive or unwholesome smells arise; or

as a yard or depôt for trade in hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material; or

as a store-house for kerosine, petroleum, naptha or any inflammable oil, spirit or explosive substance;

shall register the same in a book to be kept by the committee for the purpose.

(*2*) No place shall be newly used for any of the said purposes except under a license from the committee, which shall be renewable annually.

(*3*) The license shall not be withheld unless the committee considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in or frequenting the immediate neighbourhood.

(*4*) The committee may charge fees for such licenses, and may impose such conditions in respect thereof as it may think necessary.

Power to prohibit such trades.

83. If it is shown to the satisfaction of the committee, at a meeting, that any place registered or licensed under the last foregoing section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, the committee may by notice require [a] the occupier of the place to discontinue the use thereof, or to use the place in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

Power to make and enforce Rules.

Power to make rules.

84. (*1*) A committee may, from time to time, at a special meeting, make rules [b] consistent with this Act—

(*a*) for protecting from injury or interference anything within the municipality being the property of Her Majesty or of the committee;

(*b*) for prohibiting or controlling the establishment or maintenance of markets, saráís, halting-places and slaughter-houses, and inspecting and regulating the same and any places of public entertainment and resort;

(*c*) for licensing, controlling and regulating the practice of brokers, measurers and weighmen practising their calling in public places within the municipality;

(*d*) for prescribing the standard weights and measures to be used within the municipality;

(*e*) for controlling and regulating the use and management of burial and burning grounds;

(*f*) for prescribing the means by which the owner or occupier of any place which is a factory within the meaning of the Indian Factories Act, 1881, [c] is to provide for the consumption of the smoke of any chimney or furnace so as to prevent the smoke from being a nuisance to any person in the neighbourhood; XV of 1881.

(*g*) for rendering licenses necessary for the proprietors or drivers of vehicles, boats or animals plying for hire within the limits of the muni-

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[a] As to appeal from orders under s. 83, see s. 91, *infra*, p. 315.
[b] After previous publication—see s. 141, *infra*, p 326.
[c] Printed, General Acts, 1877-81, Ed. 1884, p. 472.

cipality, and fixing the fees payable for such licenses and the conditions on which they are to be granted and may be revoked;

(*h*) for limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads where those conveyances, animals or persons are hired within the municipality for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours;

(*i*) for securing a proper registration of births, marriages and deaths;

(*j*) for the proper regulation of buildings let in lodgings or occupied by more than one family;

(*k*) for the supervision and regulation of public cisterns, water-standards, wells, tanks, springs or other sources of public water-supply; and, when water is supplied from a public source to any private premises, for regulating and controlling such supply;

(*l*) for prohibiting the offering of meat or any specified description of meat for sale except at a shop or stall or in a market-place;

(*m*) for controlling and regulating the duties of sweepers employed by the committee and prescribing the conditions on which they may withdraw from employment;

(*n*) when the collection of an octroi-tax has been sanctioned, for fixing octroi-limits for the purposes of that tax; and,

(*o*) generally, for carrying out the purposes of this Act.

(*2*) In making any rule under this section a committee may direct that a breach of it shall be punished with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with further fine which may extend to five rupees for every day after the first during which the breach continues.

(*3*) A rule under this section shall not come into force until it has been confirmed by the Local Government and published for the prescribed time and in the prescribed manner.

(*4*) Notwithstanding anything in the foregoing portion of this section, the committee of a municipality in which the Hackney Carriage Act, 1879,(a) is in force shall not make rules under sub-section (*1*) in respect of any vehicles to which that Act applies.

XIV of 1879.

85. Subject to any orders which the Local Government may make in this behalf, a committee may order any person not to do, or not to omit to do,

Power to prohibit commission of

(a) Printed *supra*, p. 94.

public nuisances.

within the municipality, anything the doing of, or the omission to do, which is a public nuisance under the Indian Penal Code.[a] XLV of 1860.

Powers as to conditional orders in respect of certain acts and omissions.

86. (*1*) The Local Government may invest, within the limits of the municipality, a committee with the powers of a District Magistrate as described in section 133 of the Code of Criminal Procedure, 1882,[b] and with power to make conditional orders of the nature referred to in that section, in respect of all or any acts or omissions punishable under rules made in exercise of the power conferred by section 84, sub-section (*1*), clauses (*a*), (*b*), (*e*), (*j*) and (*k*). X of 1882.

(*2*) Sections 133 to 142 (both inclusive) of the Code of Criminal Procedure, 1882,[b] shall, so far as they can be made applicable, apply to all proceedings taken in exercise of these powers: X of 1882.

Provided that, for the purposes of such proceedings, section 133 of the Code shall be read as if for the words "before himself or some other Magistrate of the first or second class" the words "before the District Magistrate or some Magistrate of the first or second class appointed by him in this behalf" were substituted.

(*3*) The Local Government may, whenever it thinks fit, withdraw the powers with which it has under this section invested a committee.

Delegation of powers under sections 85 and 86.

87. A committee may, at a special meeting, delegate to one or more sub-committees of its members any of the powers which are vested in the committee by section 85, or with which the committee may have been invested under section 86.

Supplemental.

Execution of acts required to be done by any notice.

88. (*1*) When any notice under this Chapter requires any act to be done for which no time is fixed by this Act, the notice shall fix a reasonable time for doing the same.

(*2*) When the owner or occupier of any building or land fails to comply with the terms of any notice under this Chapter requiring him to do any act in, upon or in respect to that building or land, the committee may, after six hours' notice, cause the act to be done by its officers.

Recovery of costs of execution.

89. (*1*) Where the owner or occupier of property is required under this Act by the committee to execute any work and makes default in complying with the requisition, and the committee executes the work, the committee may recover the cost of the work from the person in default.

(*2*) If the person in default is the owner, the committee may, by way

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(a) See Act XLV of 1860, s. 268. (For Act XLV of 1860, see the revised edition, as modified up to the 1st August, 1890, published by the Legislative Department.)

(b) For Act X of 1882, see the revised edition, as modified up to the 15th December, 1888, published by the Legislative Department.

of additional remedy, recover the whole or any part of the cost from the occupier, and in such case the occupier may deduct any sum paid by him under this sub-section from the rent due or from time to time accruing due from him to the owner of the property in respect of which the payment is made, or may otherwise recover such sum from the owner.

(*3*) An occupier shall not be required to pay under sub-section (*2*) any greater sum than the amount of rent which is for the time being due from him to the owner, or which, after demand for payment of the money payable by him to the committee and notice not to pay rent without first deducting the amount so demanded, becomes payable by him to the owner, unless he refuses on application to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent which was due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(*4*) All money recoverable by a committee under this section may be recovered either by suit, or on application to a Magistrate having jurisdiction within the municipality by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of property shall, until it is paid, be a charge on the property.

(*5*) Nothing in this section shall affect any contract between an owner and an occupier.

Compensation out of Municipal Fund.

90. (*1*) The committee may make compensation out of the Municipal Fund to any person sustaining any damage by reason of the exercise of any power vested in the committee, its officers or servants, under this Act, and shall, subject to the other provisions of this Act, make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(*2*) If any dispute arises touching the amount of any compensation which the committee is required by this Act to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or, in default of agreement, in the manner provided by the Land-acquisition Act, 1870,(*) sections 3, 8 to 42, 51 to 53, and 56 to 59, so far as they can be made applicable.

X of 1870.

Appeals against certain orders of committee.

91. (*1*) Any person aggrieved by any order made by a committee under the powers vested in it by section 58, 79 or 83 may appeal within thirty days from the date thereof to the Deputy Commissioner of the district; and no such order shall be liable to be called in question otherwise than by such appeal:

(*) Printed, General Acts, 1867-76, Ed. 1887, p. 177.

Provided that, if the Deputy Commissioner is himself a member of the committee, the appeal shall lie to the Commissioner of the division or other officer empowered by the Local Government in this behalf.

(2) The appellate authority may, for sufficient cause, extend the period hereby allowed for appeal.

(3) The order of the appellate authority confirming, setting aside or modifying the order appealed against shall be final:

Provided that the order appealed against shall not be confirmed, set aside or modified until the appellant and the committee have had reasonable opportunity of being heard.

CHAPTER VI.

Offences and Penalties.

Penalty for depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.

92. Whoever, without the permission in writing of the committee or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any street or public place, or into any public sewer or drain or any drain communicating therewith, shall be punished with fine which may extend to twenty rupees.

Penalty for causing or allowing sewage to flow upon a public place.

93. Whoever, without the permission in writing of the committee, causes or allows the water of any sink, sewer or cesspool, or any other offensive matter, to flow, drain or be put upon any street or public place or into any sewer or drain not set apart for the purpose, shall be punished with fine which may extend to twenty rupees.

Penalty for non-removal of filth.

94. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punished with fine which may extend to fifty rupees.

Penalty for making or altering drains without authority.

95. Whoever, without the permission in writing of the committee, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the channels, sewers or drains vested in the committee, shall be punished with fine which may extend to fifty rupees.

Penalty for making or keeping latrines near

96. Whoever makes, without the permission in writing of the committee, or keeps for a longer time than one week after notice to remove or close issued under section 72, any drain, latrine, urinal, cesspool or other receptacle for

filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punished with fine which may extend to twenty rupees, and, when a notice has issued, with further fine which may extend to five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

any source of water-supply.

97. Whoever keeps any swine in disregard of any orders which the committee may give to prevent them from becoming a nuisance, or keeps any other animals so as to be injurious to health or to become a nuisance, shall be punished with fine which may extend to twenty rupees, and with further fine which may extend to five rupees for every day after the first during which the offence is continued.

Penalty for keeping animals so as to be injurious to health.

98. Whoever feeds or allows to be fed on deleterious substances, filth or refuse of any kind any animal which is kept for dairy purposes or may be used for food shall be punished with fine which may extend to fifty rupees.

Penalty for feeding animals on deleterious substances.

99. Whoever drives any vehicle of any kind after dark in any street unless the vehicle is properly supplied with lights or there is sufficient moonlight to render lights unnecessary shall be punished with fine which may extend to twenty rupees.

Penalty for driving vehicles without proper lights.

100. Whoever drives any vehicle without having the proper means of controlling the animal harnessed therein shall be punished with fine which may extend to twenty rupees.

Penalty for driving vehicles without proper means of control.

101. Whoever discharges fire-arms or lets off fire-works or fire-balloons, or flies kites, or engages in any game, in such a manner as to cause or be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punished with fine which may extend to twenty rupees.

Penalty for discharging fire-arms.

102. Whoever, being an elephant-driver or camel-driver, omits on being requested to do so to remove his elephant or camel to a safe distance on the approach of a horse, whether ridden or driven, or of any vehicle drawn by bullocks, shall be punished with fine which may extend to twenty rupees.

Penalty for non-removal of elephants or camels on approach of a horse or bullock-cart.

103. Whoever, contrary to any orders of the committee, takes an elephant along a street shall be punished with fine which may extend to twenty rupees.

Penalty for taking elephants along streets.

104. Whoever, contrary to any orders of the committee made with the sanction of the Deputy Commissioner of the district, beats any drum or sounds any musical instrument, so as to cause annoyance to the public, shall be punished with fine which may extend to twenty rupees.

Penalty for beating drum or sounding musical instrument.

105. Whoever, being the owner or person in charge of any dog which is

Penalty for

Suffering dogs to be at large.

likely to annoy or intimidate passengers, neglects to restrain it so that it shall not be at large without a muzzle in any street or public place, shall be punished with fine which may extend to twenty rupees.

Penalty for altering, obstructing or encroaching upon streets.

106. Whoever, without the permission in writing of the committee, alters, obstructs or encroaches upon any street, public sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any street or public place, or deposits building-materials or makes any hole or excavation on or in any street, shall be punished with fine which may extend to fifty rupees.

Penalty for quarrying, blasting, cutting timber or building.

107. Whoever quarries, blasts, cuts timber or carries on building-operations in such a manner as to cause, or be likely to cause, danger to persons passing by, or dwelling or working in the neighbourhood, shall be punished with fine which may extend to fifty rupees.

Penalty for picketing animals and collecting carts.

108. Whoever, contrary to the orders of the committee, pickets animals or collects carts on any public ground, or uses any such ground as a halting-place for vehicles or animals of any kind or as a place of encampment, or causes or permits animals to stray, shall be punished with fine which may extend to twenty rupees.

Penalty for making or selling food when suffering from disease.

109. Whoever, when suffering from any infectious or contagious disease, makes or offers for sale any article of food for man shall be punished with fine which may extend to two hundred rupees.

Penalty for disturbing direction-posts or lamps.

110. Whoever, without being authorized by the committee, defaces or disturbs any direction-post or lamp-post, or extinguishes any light maintained by the committee in any street or public place, shall be punished with fine which may extend to twenty rupees.

Penalty for destroying or defacing names or numbers.

111. Whoever destroys, pulls down or defaces any name or number put up under section 49 by order of the committee, or puts up any different name or number, shall be punished with fine which may extend to twenty rupees.

Penalty for slaughtering for sale any animal contrary to section 56.

112. Whoever, contrary to the provisions of section 56, slaughters for sale any animal at any place within the municipality, other than the place fixed under that section, shall be punished with fine which may extend to twenty rupees.

Penalty for slaughtering animal or conveying meat contrary to prohibition, regulation or order.

113. Whoever slaughters any animal or conveys meat from the place of slaughter contrary to any prohibition, regulation or order under section 57 shall be punished with fine which may extend to two hundred rupees.

114. If any person buries or burns, or causes or permits to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of section 58, or after the date fixed thereunder for closing the same, he shall be punished with fine which may extend to fifty rupees.

Penalty for burying or burning corpse contrary to section 58.

115. Whoever carries a corpse along a route prohibited by the committee or in a manner likely to cause annoyance to the public shall be punished with fine which may extend to twenty rupees.

Penalty for carrying corpses by prohibited routes or so as to cause annoyance.

116. (*1*) Whoever sells to the prejudice of any purchaser any article of food or drink for the consumption of man which is not of the nature, substance or quality of the article demanded by such purchaser shall be punished with fine which may extend to one hundred rupees.

Penalty for selling article of food or drink of a nature different from the article demanded.

(*2*) The provisions of sub-section (*1*) shall not apply in the following cases, namely :—

(*a*) when any matter or ingredient not injurious to health has been added to the food or drink, in order to make the food or drink fit, as an article of commerce, for carriage or consumption, and not with intent fraudulently to increase the bulk, weight or measure of the food or drink or to conceal the inferior quality thereof;

(*b*) when the food or drink is unavoidably mixed with some extraenous matter in the process of collection or preparation.

(*3*) The provisions of this section apply to the purchase under section 65 of any article for the purpose of analysis.

117. If the owner or the person in possession of any food or drink or animal which is seized under section 65, sub-section (*1*), does not consent to the destruction or disposal of the same, the Magistrate, if it is proved that the food or drink or animal was intended for the consumption of man and is unfit therefor, may order the food or drink or animal to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for the consumption of man, and may direct that such owner or person shall be punished with fine which may extend to one hundred rupees :

Penalty for possession of food, drink or animal unfit for consumption.

Provided that a person who is in possession of food or drink or of an animal as a carrier or bailee thereof shall not be liable to a fine under this section.

118. Whoever, contrary to the provisions of section 65, sub-section (*2*), refuses to sell any article of food or drink shall be punished with fine which may extend to fifty rupees.

Penalty for refusing to sell food or drink.

119. If any person cultivates, uses manure or irrigates in disregard of the prohibition or conditions notified under section 81, sub-section (*1*), he shall be punished with fine which may extend to fifty rupees, and with a further fine

Penalty for cultivating, manuring or irrigating

contrary to section 81.

which may extend to five rupees for every day after the first during which the offence is continued.

Penalty for using places for offensive or dangerous trades without registration or license.

120. Whoever, contrary to the provisions of section 82, uses without registration or without a license any place for any purpose mentioned in that section shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day during which the offence is continued after he has been convicted of such offence.

Penalty for using places for offensive or dangerous trades, after prohibitory notice.

121. Whoever, after notice has been given under section 83, uses any place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous shall be punished with fine which may extend to two hundred rupees, and with further fine which may extend to forty rupees for every day during which the offence is continued after he has been convicted of such offence.

Penalty for disobedience to orders of committee not punishable under any other section.

122. Whoever disobeys any lawful directions given by the committee by public notice under the powers conferred upon the committee by the last foregoing Chapter, or any written notice lawfully issued by the committee under the powers so conferred, or fails to comply with the conditions subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punished with fine which may extend to fifty rupees, and, in the case of a continuing breach, with further fine which may extend to five rupees for every day after the first during which the breach continues:

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

Prosecution to be suspended in certain cases.

123. Any prosecution for an offence punishable under section 114, or section 121, or section 122, when the order which has been disobeyed is appealable, shall, when the Magistrate learns that an appeal has been instituted from the order which has been disobeyed, be suspended pending the decision of the appeal; and, if the order is set aside on appeal, disobedience thereto shall not be deemed an offence against the section.

CHAPTER VII.

CONTROL.

Control by Commissioner or Deputy Commissioner.

124. The Commissioner of the division or the Deputy Commissioner of the district (not being a member of the committee) may—

(*a*) enter on and inspect, or cause to be entered on and inspected, any im-

moveable property situate within the limits of his division or district and occupied by any committee or joint committee, or any work in progress within those limits under the direction of a committee or joint committee;

(*b*) by order in writing call for and inspect any book or document in the possession or under the control of any committee or joint committee having authority within those limits;

(*c*) by order in writing require any such committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the committee or joint committee as he may think fit to call for; and

(*d*) record in writing, for the consideration of any such committee or joint committee, any observations which he may think proper in regard to the proceedings or duties of the committee.

Power to suspend action under Act.

125. (*1*) The Commissioner of the division or the Deputy Commissioner of the district may, by order in writing, suspend within the limits of the division or district, as the case may be, the execution of any resolution or order of a committee or joint committee, or prohibit the doing within those limits of any act which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.

(*2*) When a Commissioner or Deputy Commissioner makes any order under this section, he shall forthwith forward a copy thereof, with a statement of his reasons for making it, to the Local Government, which may thereupon rescind the order, or direct that it continue in force with or without modification, permanently or for such period as it thinks fit.

Extraordinary powers of Deputy Commissioner in case of emergency.

126. (*1*) In cases of emergency the Deputy Commissioner of the district may provide for the execution of any work or the doing of any act which a committee is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the committee.

(*2*) If the expense is not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the Municipal Fund to pay the expense, or as much thereof as is, from time to time, possible, from the balance, in priority to any or all other charges against the same.

(*3*) The Deputy Commissioner shall forthwith report to the Commissioner

of the division every case in which he uses the powers conferred on him by this section.

Powers of Local Government in case of default of committee.

127. (*1*) If at any time it appears to the Local Government that a committee has made default in performing any duty imposed on it by or under this or any other Act, the Local Government may, by order in writing, fix a period for the performance of that duty.

(*2*) If that duty is not performed within the period so fixed, the Local Government may appoint the Deputy Commissioner of the district to perform it, and may direct that the expense of performing it shall be paid, within such time as the Local Government may fix, to the Deputy Commissioner by the committee.

(*3*) If the expense is not so paid, the Deputy Commissioner, with the previous sanction of the Local Government, may make an order directing the person having the custody of the balance of the Municipal Fund to pay the expense, or so much thereof as is, from time to time, possible, from the balance, in priority to any or all other charges against the same.

Power of Local Government to supersede committee in case of incompetency, persistent default or abuse of powers.

128. (*1*) If at any time it appears to the Local Government that a committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this or any other Act for the time being in force, or exceeds or abuses its powers, the Local Government may, with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the official Gazette, declare the committee to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(*2*) When a committee is so superseded, the following consequences shall ensue:—

(*a*) all members of the committee shall, as from the date of the order, vacate their offices as such members;

(*b*) all powers and duties of the committee may, during the period of supersession, be exercised and performed by such person or persons as the Local Government appoints in that behalf;

(*c*) all property vested in the committee shall, during the period of supersession, vest in Her Majesty.

(*3*) On the expiration of the period of supersession specified in the order, the committee shall be re-constituted, and the persons who vacated their offices under sub-section (*2*), clause (*a*), shall not be deemed disqualified for being members.

Power of

129. (*1*) The Local Government may frame forms for any proceedings of

a committee for which it considers that forms should be provided, and may make rules (*)consistent with this Act— Local Government to frame forms and make rules.

(*a*) for the assessment and collection of taxes imposed under this Act, and for preventing evasion of the same;

(*b*) as to the authority on which money may be paid from the Municipal Fund;

(*c*) as to the conditions on which property vested in the committee or placed under its management by the Local Government may be transferred by sale, mortgage, charge, lease, exchange or otherwise;

(*d*) as to the qualifications requisite in the case of persons appointed by the committee to offices requiring professional skill;

(*e*) as to the intermediate office or offices, if any, through which correspondence between committees and the Local Government or its officers, and representations addressed under this Act to the Local Government, are to pass;

(*f*) as to the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of committees, and as to the authority by whom, and the conditions subject to which, such plans and estimates may be sanctioned;

(*g*) as to the accounts to be kept by committees, as to the manner in which such accounts are to be audited and published, and as to the power of the auditors in respect of disallowance and surcharge;

(*h*) as to the preparation of estimates of income and expenditure of committees, and as to the authority by whom, and the conditions subject to which, such estimates may be sanctioned;

(*i*) as to the sanction (if any) to be required before committees incur any expenditure;

(*j*) as to the language in which the proceedings and correspondence of the committee are to be conducted and recorded;

(*k*) as to the returns, statements and reports to be submitted by committees; and,

(*l*) generally, for the guidance of committees and public officers in all matters connected with carrying out the purposes of this Act.

(*2*) In making rules under sub-section (*1*), clause (*a*), the Local Government may direct that a breach of any provision thereof shall be punished with fine which may extend to fifty rupees.

130. In all matters connected with this Act the Local Government shall General

(*) After previous publication—see s. 141, *infra*, p. 326.

powers of Local Government and Commissioners.

have and exercise over Commissioners and Deputy Commissioners, and Commissioners shall have and exercise over Deputy Commissioners, the same authority and control as they respectively have and exercise over them in the general and revenue administration.

CHAPTER VIII.

SUPPLEMENTAL.

Notices.

Authentication, service and validity of notices.

131. (*1*) Every notice issued by a committee under this Act or any rule thereunder shall be in writing, and shall be sufficiently authenticated by the signature of the president, vice-president or secretary, and may be served by being delivered to the person to whom it is addressed, or by being left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, may be posted on some conspicuous part of his usual place of abode or business.

(*2*) If the usual place of abode or business of the person to whom the notice is addressed is not within the limits of the municipality, the notice may be served by posting it in a registered cover addressed to his usual place of abode.

(*3*) If the usual place of abode or business of the owner of any property is not known, every such notice addressed to him as such owner may be served on the occupier.

(*4*) If the usual place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier may be served by posting it on some conspicuous part of the property.

(*5*) No notice issued by the committee under this Act or any rule thereunder shall be invalid for defect of form.

Mode of giving notice to owner or occupier of property.

132. When any notice is under the provisions of this Act to be given to, or served on, the owner or occupier of any property and he is unknown, it may be given or served—

(*a*) by delivering a written notice to some person on the property, or, if there is no person on the property to whom the notice can be delivered, by fixing it on some conspicuous part of the property; or

(*b*) by putting into the post a prepaid letter containing a written notice, and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

Publication of public notices.

133. Every public notice given by a committee under this Act or any rule thereunder shall be published by proclamation or in the prescribed manner.

Alteration of Limits of Municipality.

134. The Local Government may, by notification published in the official Gazette and in the prescribed manner within the local area affected, declare its intention— Notification of intention to alter limits of municipality.

(*a*) to exclude from a municipality any local area comprised therein and defined in the notification, or

(*b*) to include within a municipality any local area situate in the vicinity thereof and defined in the notification:

Provided that, where the local area is a military cantonment or part of a military cantonment, a notification shall not be published under this section in respect of it without the previous sanction of the Governor General in Council.

135. (*1*) Any inhabitant of a municipality or local area in respect of which a notification has been published under the last foregoing section may, if he objects to the alteration proposed, submit his objection in writing to the Local Government within three months from the date of the publication of the notification in the Gazette, and the Local Government shall take his objection into consideration. Alteration of limits of municipality.

(*2*) When three months from such date have expired, and the Local Government has considered the objections, if any, which have been submitted under sub-section (*1*), the Local Government may, by a notification[a] in the official Gazette, exclude the local area from the municipality or include it therein, as the case may be.

136. (*1*) When a local area is excluded under the last foregoing section from a municipality,— Effect of exclusion of local area from municipality.

(*a*) this Act, and all rules, orders, bye-laws, directions and powers made, issued or conferred under this Act, shall cease to apply thereto; and

(*b*) the Local Government shall, after consulting the committee, frame a scheme determining what portion of the balance of the Municipal Fund and other property vested in the committee shall vest in Her Majesty for the benefit of the local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Secretary of State for India in Council; and, on the publication of the scheme in the local official Gazette, the property and liabilities shall vest and be apportioned accordingly.

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[a] No notifications have been issued under s. 135.

(*2*) All property vested in Her Majesty under sub-section (*1*) shall be applied under the orders of the Local Government to discharging the liabilities imposed on the Secretary of State for India in Council under that sub-section, or for the promotion of the health, comfort, convenience or interest of the inhabitants of the local area.

Effect of including local area in municipality.

137. When a local area is included under section 135 in a municipality, this Act, and all rules, orders, bye-laws, directions and powers made, issued or conferred under this Act and in force throughout the whole municipality at the time the local area is so included, shall apply to the local area.

Miscellaneous.

Penalty on member, officer or servant of committee being interested in contract made with committee.

138. (*1*) If any member, officer or servant of a committee is, otherwise than with the permission in writing of the Commissioner of the division, directly or indirectly interested in any contract made with the committee, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code.(a) XLV of 1860.

(*2*) A person shall not, by reason of being a shareholder in, or member of, any incorporated or registered company, be held to be interested in any contract entered into between the company and the committee, but he shall not take part in any proceedings of the committee relating to any such contract.

Initiation of prosecutions.

139. A Court shall not take cognizance of an offence punishable only under this Act or a rule thereunder except on the complaint of the Deputy Commissioner or of the committee or of some person authorized either generally or specially by the Deputy Commissioner or the committee in this behalf.

Acquisition of land under Act X of 1870.

140. Where any building or land, whether within or without the limits of a municipality, is required for the purposes of this Act, the Local Government may, at the request of the committee, proceed to acquire it under the provisions of the Land-acquisition Act, 1870,(b) and, on payment by the committee of the compensation awarded under that Act, and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the committee. X of 1870.

Procedure for making rules.

141. The power to make rules under section 7, section 84 or section 129 is subject to the condition of the rules being made after previous publication.(c)

Power to

142. (*1*) When the supply of water in a municipality is derived from a

(a) For Act XLV of 1860, see the revised edition, as modified up to the 1st August, 1890, published by the Legislative Department.

(b) Printed, General Acts, 1867-76, Ed. 1887, p. 177.

(c) For provisions as to previous publication, see Act I of 1887, s. 6, in General Acts, 1885-88, Ed. 1889, p. 117.

reservoir situate beyond the limits of the municipality, the Local Government may make rules—

make rules regulating conservancy of reservoir and catchment area.

(*a*) prohibiting the doing in the reservoir, or in or upon the catchment area thereof, any act by which the purity of the water or the safety of the reservoir may be impaired; and

(*b*) regulating generally the conservancy of the reservoir and the catchment area.

(*2*) The Local Government may direct that the breach of any rule under sub-section (*1*) shall be punished with fine which may extend to two hundred rupees.

XI of 1879.

143. Nothing in this Act shall affect the Local Authorities Loan Act,[a] 1879.

Saving of Act XI of 1879.

144. Every member of a committee constituted under this Act shall be deemed to be a municipal commissioner within the meaning of every enactment for the time being in force; and a Judge or Magistrate shall not be deemed to be a party to or to be personally interested within the meaning of section 555 of the Code of Criminal Procedure, 1882,[b] in any prosecution for an offence punishable under this Act, or any rule thereunder, merely because he is a member of the committee by the order or with the approval of which the prosecution has been instituted.

Member of committee to be municipal commissioner.

X of 1882.

145. (*1*) If the circumstances of any municipality are such that, in the opinion of the Local Government, any of the provisions of this Act are unsuited thereto, the Local Government may, by notification[c] in the official Gazette, except the municipality from the operation of those provisions; and thereupon those provisions shall not apply to the municipality until again applied thereto by notification.

Power to except municipality from provisions of Act unsuited thereto.

(*2*) While the exception remains in force, the Local Government may make rules for the guidance of the committee and public officers in respect of the matters excepted from the operation of the said provisions.

146. (*1*) The Local Government, with the previous sanction of the Governor General in Council, may, by notification[c] in the local official Gazette, withdraw any municipality from the operation of this Act.

Power to withdraw municipal area altogether from operation of this Act.

(*2*) When a notification is issued under sub-section (*1*) in respect of any municipality, this Act, and all rules, bye-laws, orders, directions and powers made, issued or conferred under this Act, shall cease to apply to the local area

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(*a*) Printed, General Acts, 1877-81, Ed. 1884, p. 335.

(*b*) For Act X of 1882, see the revised edition, as modified up to the 15th December, 1888, published by the Legislative Department.

(*c*) No notifications have been issued under s. 145 or s. 146

comprised in the municipality, the balance of the Municipal Fund and all other property which at the time of the issue of the notification is vested in the committee shall vest in Her Majesty, and the liabilities of the committee shall be transferred to the Secretary of State for India in Council.

(*5*) All property vested in Her Majesty under sub-section (*2*) shall be applied under the orders of the Local Government to discharge the liabilities imposed on the Secretary of State for India in Council by that sub-section, or for the promotion of the health, comfort, convenience or interest of the inhabitants of the local area comprised in the municipality.

Vacancies and irregularities not to invalidate proceedings.

147. Anything done or any proceedings taken under this Act shall not be questioned on account of any vacancy in a committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

ACT No. XIX OF 1889.

Received the assent of the Governor General on the 13th December, 1889.

An Act to make better provision for sanitation in Villages in the Central Provinces.

WHEREAS it is expedient to make better provision for sanitation in villages in the Central Provinces; It is hereby enacted as follows:—

Title, extent and commencement.

1. (*1*) This Act may be called the Central Provinces Village-sanitation Act, 1889.

(*2*) It extends to the territories for the time being administered by the Chief Commissioner of the Central Provinces; and

(*3*) It shall come into force at once.

Conditions under which the provisions of this Act may be extended to a village.

2. (*1*) When the sanitary condition of a village containing not less than one hundred inhabited houses and not being a municipality is, in the opinion of the Deputy Commissioner of the district in which the village is situate, such as to be injurious to the health of the inhabitants, he may, by an order in writing, published in such manner as the Local Government may by rule prescribe, declare that the village is in an insanitary state.

(*2*) After the publication of the order the Local Government may—

(*a*) on the application of the mukaddam and ten or more other inhabitants of the village, or,

(*b*) if no such application is made within three months after the date of the publication of the order, on the application of the Deputy Commissioner,

by notification in the official Gazette extend to the village[a] the provisions of this Act from such date as may be specified in the notification.

Election of village-panchâyat.

3. In every village to which this Act is extended a panchâyat shall be formed, consisting of the mukaddam and such number of representatives of the village-community, not being less than four, as the Local Government may by rule prescribe, who shall be chosen by election from among the inhabitants of the village.

Powers of the panchâyat.

4. The panchâyat shall, subject to the approval of the Deputy Commissioner, determine the sum which is annually required for the following purposes:—

(*a*) the proper cleansing and conservancy of the village;

(*b*) the provision and maintenance of a supply of wholesome water for the inhabitants of the village and their cattle;

(*c*) the maintenance of the roads in the village.

Mode of raising funds.

5. (*1*) The sum determined to be necessary under the last foregoing section shall be raised by the panchâyat by an assessment on the houses and lands within the village with reference to the circumstances of, and property possessed by, the owners or occupiers of such houses and lands.

(*2*) An assessment shall not be valid until it has been sanctioned by the Local Government.

Powers of Local Government to make rules.

6. (*1*) The Local Government shall make rules—

(*a*) defining the limits of villages for the purposes of the Act;

(*b*) regulating the mode of election and the proceedings of the panchâyats, the term of office of members of a panchâyat and the circumstances under which, and the authority by whom, they may be removed;

(*c*) limiting the amount of tax and regulating its assessment, realization, safe custody and application, and the auditing of the accounts thereof;

(*d*) regulating the village-conservancy and defining and prohibiting public nuisances; and,

(*e*) generally, for giving effect to the purposes of this Act.

(*2*) The Local Government may, in making such rules, direct that the breach of any provision thereof shall be punished with fine which may extend to ten rupees.

(*3*) Arrears of taxes imposed under this Act may, subject to the rules, if any, made under this section, be realized by the Deputy Commissioner as arrears of land-revenue.

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[a] The Act has not yet been extended to any village.

Withdrawal of Act.

7. The Local Government may direct that the provisions of this Act shall cease to have operation in any village from a date to be fixed by the Local Government, and may make over any moneys in the hands of the panchâyat to the District Council or Local Board having authority under the Central Provinces Local Self-government Act, 1883.(a) I of 1883.

Exclusion of authority of District Council and local board.

8. While the provisions of this Act are in force in any village, the authority of the District Council or Local Board under section 9 of the Central Provinces Local Self-government Act, 1883,(a) shall be suspended in respect of all matters made over to the management of the panchâyat. I of 1883.

ACT No. IV OF 1890.

Received the assent of the Governor General on the 21st February, 1890.

An Act to amend the Central Provinces Civil Courts Act, 1885.

WHEREAS it is expedient to amend the Central Provinces Civil Courts Act, 1885; It is hereby enacted as follows:— XVI of 1885.

Amendment of section 16 of Act XVI of 1885.

1. In section 16(b) of the Central Provinces Civil Courts Act, 1885, there shall be inserted after the words "Code of Civil Procedure" the words and figures "and in the Provincial Small Cause Courts Act, 1887"; and for the proviso to the same section the following shall be substituted, namely:— XVI of 1885. IX of 1887.

[Printed *supra*, p. 266.]

(a) Printed *supra*, p. 215. (b) Printed *supra*, p. 266.

APPENDIX I.

LISTS OF NOTIFICATIONS ISSUED FOR THE CENTRAL PROVINCES UNDER LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

[The object of these lists is to show what notifications have been issued declaring the territorial operation of the Acts: some of them, however, show notifications of other classes which will be useful for reference.]

List of places(a) *in the Central Provinces to which Act III of 1867 (Gambling) has been extended by notification under section 3:*

District.	Places.	Extent to which extended.	Number and date of Notification.	Year, Part and Page of Central Provinces Gazette in which published.
BETUL	Badnur	The whole Act, except ss. 13, 17 and 18.(b)	2862, dated 17th July, 1867.	1867, p. 320.
	Betul			
	Multai			
BHUNDÁRA	Bhundára			
	Mohári			
	Pauni			
	Sahunguri			
	Sihora			
	Tumsar			
BILÁSPUR	Biláspur			
	Mungeli			
	Ratánpur			
CHÁNDA	Armori			
	Berhampooree			
	Chánda			
	Mul			
	Warora			

(a) These places are all described in the notifications as "towns," except where otherwise stated in this list.
(b) Ss. 13 and 17 apply *proprio vigore*; s. 18 is repealed.

List of places(a) *in the Central Provinces to which Act III of 1867 (Gambling) has been extended by notification under section 2*—continued

District.	Places.	Extent to which extended.	Number and date of Notification.	Year, Part and Page of Central Provinces Gazette in which published.
CHHINDWÁRA	Chhindwára	The whole Act, except ss. 13, 17 and 18.(b)	2862, dated 17th July, 1867.	1867, p. 320.
	Mohgaon			
	Pandhurna			
	Sausar			
	Lodhikhera		3226, dated 21st August, 1885.	1885, Pt. VI, p. 67.
DAMOH	Damoh		2862, dated 17th July, 1867.	1867, p. 320.
	Hatta			
	Hindaria			
	Patharia			
HOSHANGABAD	Babai			
	Hoshangabad			
	Seoni			
	Sohágpur			
	Pachmarhi Municipality		5965, dated 29th November, 1887.	1887, Pt. III, p. 109.
JUBBULPORE	Bijeraghogarh		2862, dated 17th July, 1867.	1867, p. 320.
	Jubbulpore			
	Katangi			
	Patun			
	Punnagarh			
	Sihora			
	Murwara		3226, dated 21st August, 1885.	1885, Pt. VI, p. 67.

(a) These places are all described in the notifications as "towns," except where otherwise stated in this list.
(b) Ss. 13 and 17 apply *proprio vigore*; s. 18 is repealed.

List of places(a) *in the Central Provinces to which Act III of 1867 (Gambling) has been extended by notification under section 2*—continued.

District.	Places.	Extent to which extended.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
JUBBULPORE—*contd.*	Umaria Railway Station-house, and all places lying within the area known as the Umaria Estate over which jurisdiction is vested in the Chief Commissioner by Government of India, Public Works Department, Notification No. 39, dated the 15th February, 1886.	The whole Act, except ss. 13, 17 and 18.(b)	2446, dated 18th April, 1889.	1889, Pt. II, p. 73.
MANDLA	Bahmni		2862, dated 17th July. 1867.	1867, p. 320.
	Maharajpore			
	Mandla			
	Ramgarh			
NAGPUR	Bazargaon			
	Bhewapur			
	Dhapiwara			
	Kalmeshwar			
	Katal			
	Khapa			
	Kilod			
	Mowar			
	Nagpur			
	Narkhar			
	Patan Saongi			
	Ramtek			
	Saonair			
	Soregaon			
	Umrer			

(a) These places are all described in the notifications as "towns," except where otherwise stated in this list.
(b) Ss. 13 and 17 apply *proprio vigore*; s. 18 is repealed.

List of places(a) *in the Central Provinces to which Act III of 1867 (Gambling) has been extended by notification under section 2*—continued.

District.	Places.	Extent to which extended.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
NAGPUR—*contd.*	Kamptee	The whole Act, except ss. 13, 17 and 18.(b)	3226, dated 21st August, 1885.	1885, Pt. VI, p. 67.
NARSINGHPUR	Chowarpatha		2862, dated 17th July, 1867.	1867, p. 320.
	Gadarwara			
	Kamia			
	Kandeli			
	Narsinghpur			
	Tendukera			
	Chhindwara		3226, dated 21st August, 1885.	1885, Pt. VI, p. 67.
	Kareligunj			
NIMAR	Bargaon		2862, dated 17th July, 1867.	1867, p. 320.
	Burhampur			
	Khandwa			
	Oukar Mandhata			
	Sadhara			
	Zainabad			
RAIPUR	Dhamtari			
	Drug			
	Raipur			
SAMBALPUR	Sambalpur			
SAUGOR	Deori			
	Garhákota			
	Kurai			
	Rehli			
	Saugor			

(a) These places are all described in the notifications as "towns," except where otherwise stated in this list.
(b) Ss. 13 and 17 apply *proprio vigore*; s. 18 is repealed.

List of places[a] *in the Central Provinces to which Act III of 1867 (Gambling) has been extended by notification under section 2*—concluded.

District.	Places.	Extent to which extended.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
SEONI	Koka (Ratanghi)	The whole Act, except ss. 13, 17 and 18.[b]	2862, dated 17th July, 1867.	1867, p. 320.
	Lalbara			
	Piperwani			
	Seoni			
	Waraseoni			
WARDHA	Arvi			
	Anji			
	Ashti			
	Bishnur			
	Deoli			
	Hinganghát			
	Karunjah			
	Nachangaon			
	Rasulabad			
	Sindhi			
	Wardha			
	Warnera			

List of districts to which Act XIV of 1867 (Pandhari Tax, Central Provinces) has been extended by order under section 6.

Districts.	Number and date of Notification.	Year, Part and page of Gazette of India in which published.
Balaghat	1896, dated 3rd April, 1867.	1867, p. 733.
Betul		
Damoh		
Hoshangabad		
Jubbulpore		

(a) These places are all described in the notifications as "towns," except where otherwise stated in this list.
(b) Ss. 13 and 17 apply *proprio vigore*; s. 18 is repealed.

List of districts to which Act XIV of 1867 (Pandhari Tax, Central Provinces) has been extended by order under section 6—concluded.

Districts.	Number and date of Notification.	Year, Part and page of Gazette of India in which published.
Mandla Narsinghpur Nimar Saugor Seoni Upper Godavery	1896, dated 3rd April, 1867.	1867, p. 733.

Powers delegated to the Chief Commissioner of the Central Provinces by notification under Act XXXII of 1867 (Chief Commissioners' Powers), section 1.

Powers.	Number and date of Notification.	Year, Part and page of Gazette of India in which published.
Powers of a Local Government under Act V of 1861 (Police), save as to appointment of Inspector General of Police.	103, dated 3rd March, 1868.	1868, p. 358.

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c).

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
BALAGHAT	Andhiatola and Weharia Badgaon and Kholmara Bagadmara and Karni Baker and Matey Bamhangaon and Pangaon Bamhni and Bhandi Bapdi and Sarkartola Battermara and Puni	1458, dated 26th March, 1879.	1879, Pt. IA, p. 202.

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
BALAGHAT—*contd.*	Behla and Khedapar . .	1458, dated 26th March, 1879.	1879, Pt. IA, p. 202.
	Bhattera and Khanki . .		
	Bhimlat and Bhinia . .		
	Boargâon and Akola . .		
	Boranda and Chichgaon .		
	Burhi and Khanki . .		
	Chackeri and Chindlai . .		
	Chandori and Murzar . .		
	Chargaon and Sandha . .		
	Chikalamali and Girhola . .		
	Chikhla and Dadigarha . .		
	Chindgaon and Birsula . .		
	Datta and Kesa . . .		
	Datta and Ratapaili . .		
	Deolgaon and Nansari . .		
	Deolgaon and Singola . .		
	Deosara and Tikribamni .		
	Dhadi and Navergaon . .		
	Dhansua and Oda . .		
	Dharpewada and Dhapera .		
	Dhoriaperaswada and Chhipa .		
	Dhudwatola and Ghat Temni .		
	Dighoda and Pathri . .		
	Gaikhuri and Jagpur . .		
	Ghana and Harrabhat . .		
	Gonglai and Jagpur . .		

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Province Gazette in which published.
BALAGHAT—*contd.*	Hirri and Binora	1458, dated 26th March, 1879.	1879, Pt. IA., p. 202.
	Kadakna and Chhipa		
	Kakodi and Temni		
	Kalpa and Mali		
	Kandri and Ghat Temni		
	Kareji and Miria		
	Karinga and Singola		
	Khokadiber and Hatta		
	Kochewadi and Pipalgaon		
	Kokka and Satona		
	Kumhari and Dhapera		
	Ladsa and Mundipar		
	Linga and Lohara		
	Manpur and Charegaon		
	Marhi and Barhi		
	Markuda and Jamdi		
	Marri and Okasi		
	Matey and Dahdi		
	Mendiwada and Seoni		
	Munda and Kattangi		
	Mundajsara and Badgaon		
	Murgardara and Dadia		
	Murzur and Kharsara		
	Nosci and Banathar		
	Nugarwada and Khami		
	Palhera and Bhuwa		
	Pangaon and Chhipa		

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
	Persodi and Sacritola	1458, dated 26th March, 1879.	1879, Pt. IA., p. 202.
	Pipalgaon and Temni		
	Piperjhari and Dini		
	Powni and Dulapur		
	Powsera and Chilora		
	Rosna and Kaodia		
	Satey and Matey		
	Saori and Girhola		
	Seoti and Dongargaon		
	Sonsarra and Pipalgaon		
	Tetwa and Katanga		
	Umri and Manekasa		
BALAGHAT—*concld.*	Aori and Lagma	7356, dated 19th November, 1890.	1890, Pt. II, p. 301.
	Bhamodi and Jagpur		
	Carra and Burha		
	Deori and Hardoli		
	Janpur and Karho		
	Kasmiri and Titighat		
	Khandwa, Khapa and Saongi, Umari and Mundipar, Sakartola (Bhandara District).		
	Piparia and Chichgaon		
	Saoni-Umri and Ghat Temani (Bhandara District).		
	Singola-Ghansaghat and Nawegaon (Bhandara District).		
	Tikaria and Gorakhpur (Seoni District).		

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
BETUL	Kheni Shapur	1797, dated 21st April, 1879.	1879, Pt. IA., p. 223.
BHANDARA	Amgaon Arjuni Athli Atri Avali Bagri Bamhni Bapera Belgaon Beni Bhajiapar Bhoregarh Bhorgaon Birola Bothli Chulband Dangurli Deoara Deori Dhapewada Dhimarwara Dhorewara Dighori Donar	1458, dated 26th March, 1879.	1879, Pt. IA., p. 202.

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
BHANDARA—*contd.*	Fulchur	1458, dated 26th March, 1879.	1879, Pt. IA., p. 202.
	Futara		
	Ghat Khurora		
	Ghoti		
	Gose Bujarga		
	Gudhegaon		
	Itan		
	Itgaon		
	Jamgaon		
	Karajkhera		
	Kardha		
	Karti		
	Karza		
	Kassa		
	Katangi		
	Khairi(a)		
	Khairi(b)		
	Khairi Champral		
	Khairna		
	Khamari		
	Kinhi		
	Kislewara		
	Kodurli		
	Korambi		
	Kotharna		

(a) This ferry is situate in the Tirara Tahsil of the Bhandara District.
(b) This ferry is situate in the Sakoli Tahsil of the Bhandara District.

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
BHANDARA—*contd.*	Kotra Kumbhli Lavani Lohara Madga Magardhokra Maghatola Mandher Mandni Mandvi Mohogaon Mondi Monpar Mundhri Murdara Nander Nilaj Pandhi Khairi Panjra Parasgaon Paraswara Pathri Pipri Pipria Piprichuni Pouni	1458, dated 26th March, 1879.	1879, Pt. IA., p. 202.

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
BHANDARA—*concld.*	Rampohana Roha Sakri Saonder Saongi Saori Sasra Satona Sawargaon Sirasghat Sivanghat Sukli Suori Surewara Takli Tal Tokepar Tidhi Tidva Tirkheri Umerwara Warad	1458, dated 26th March, 1879.	1879, Pt. IA., p. 202.
BILASPUR	Amgaon Ameri Bargaon Basantpur	1574A., dated 4th April, 1879.	1879, Pt. IA., p. 209.

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
BILASPUR—*contd.*	Berkel	1574A., dated 4th April, 1879.	1879, Pt. IA., p 209.
	Bhatli		
	Bhedikona		
	Bhiloni		
	Bhugpuri		
	Bilaspur		
	Daorangi		
	Degaon and Dhanaghat . .		
	Dharasio		
	Goota		
	Govinda		
	Haldi and Chakulighat . .		
	Jondhra		
	Kansada		
	Kathakoni		
	Khami		
	Khargahin		
	Kharod		
	Kikirda		
	Kotnir . . .		
	Lagra		
	Lakhram		
	Lamair		
	Lawar		
	Lormi		
	Mangi and Panchkowriaghat .		

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
BILASPUR—*concld.*	Matia	1574A., dated 4th April, 1879.	1879, Pt. IA., p. 209.
	Mungeli		
	Nandghat		
	Pahda		
	Piria		
	Pulein		
	Ranpota		
	Risda		
	Seorinarain		
	Sigul		
	Siladchi		
	Takhatpur		
	Tarenga		
	Turumghat		
CHANDA	Amgaon	1458, dated 26th March, 1879.	1879, Pt. IA., p. 202.
	Amri		
	Andhari		
	Arda		
	Arpalli		
	Artattondi		
	Awalgaon		
	Balalpur		
	Balkhurda		
	Beldati		
	Beldhati		
	Belsuni		

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
CHANDA—*contd.*	Betala	1458, dated 26th March, 1879.	1879, Pt. IA., p. 202.
	Bhaleshwar		
	Boddha		
	Bokurdoho		
	Borgaon		
	Borghat		
	Bori		
	Bothli		
	Chamardoho		
	Chandur		
	Charal		
	Chargaon[a]		
	Chargaon[b]		
	Chicholi		
	Chichpalli		
	Chikalgaon		
	Chimur		
	Churmur		
	Dabgaon		
	Darur		
	Dealgaon		
	Dewada Khurd		
	Dewara Buzrug		
	Dhaba		
	Dhanora		

[a] This ferry is situate on the Wardha River in the Warora Tahsil of the Chanda District.
[b] This ferry is situate on the Andhari River in the Mul Tahsil in the Chanda District.

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
CHANDA—*contd.*	Dighori	1458, dated 26th March, 1879.	1879, Pt. IA., p. 202.
	Dindora		
	Dodkuli		
	Donala		
	Dudholi		
	Ekalpur		
	Ekona		
	Fokurdi		
	Ganeshghat		
	Garchiroli		
	Garchiroli and Arpalli		
	Ghatkul		
	Ghugus		
	Ghuntachoki		
	Gonghat		
	Hadusti		
	Haldoli		
	Hiwarpur		
	Huram		
	Inzewari		
	Jogi Sakr		
	Kadholi		
	Kanara		
	Kanhalgaon		
	Kaori		
	Karanji		

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
CHANDA—*contd.*	Karoli	1458, dated 26th March, 1879.	1879, Pt. IA., p. 202.
	Kelu		
	Kelzar		
	Khambara		
	Khas Mul		
	Khas Wyragar		
	Khud Kala		
	Kilhoni		
	Kinhala		
	Kirmiri		
	Kokri		
	Kolara		
	Kosara		
	Kosbi		
	Kotgul Mokasa		
	Kothalna		
	Kulamna		
	Kurza		
	Ladja		
	Lingala		
	Mana		
	Mangaon		
	Mangli		
	Mangudiem		
	Marda		
	Matnala		

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
CHANDA—*contd.*	Moknora	1458, dated 26th March, 1879.	1879, Pt. IA., p. 202.
	Mumerdwaram		
	Nadukuda		
	Nagaram		
	Nagri(a)		
	Nagri(b)		
	Naleshwar		
	Nawegaon		
	Nilja		
	Niljai		
	Nundori		
	Paradgaon		
	Padmapur		
	Panora and Kunghara		
	Pardi Haranghat		
	Patala		
	Pendri		
	Pipalgaon Makta		
	Pipalgaon Nipania		
	Pipri		
	Podsa(c)		
	Podsa(d)		
	Pombarna		
	Porla		
	Potegudiem		

(a) This ferry is situate on the Waingunga River in the Brahmapuri Tahsil of the Chanda District.
(b) This ferry is situate on the Pothra River in the Warora Tahsil of the Chanda District.
(c) This ferry is situate on the Wardha River in the Mul Tahsil of the Chanda District.
(d) This ferry is situate on the Nalas River in the Mul Tahsil of the Chanda District.

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
CHANDA—*contd.*	Pusgaon Ralegaon Ramba-da Rameshgudam Ranmuchan Rui Sakhri Saigaon Sawalgaon Sawargaon Seoni(a) Seoni(b) Sheoni Sheoni (Dhedsi) Sironcha Ghat Sirsi Soit Somnar Sonapur Sonegaon Sukmur Tadala Tailodhi Tarda Tarsa Buzrug and Ashti Telwasa	1458, dated 26th March, 1879.	1879, Pt. IA., p. 202.

(a) This ferry is situate on the Wainganga River in the Brahmapuri Tahsil of the Chanda district.
(b) This ferry is situate on the Potpori River in the Brahmapuri Tahsil of the Chanda district.

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
CHANDA—*concld.*	Tekari	1458, dated 26th March, 1879.	1879, Pt. IA., p. 202.
	Tekra		
	Thorana		
	Tohogaon		
	Tulana		
	Tulsi		
	Usegaon		
	Vihar Buzrug		
	Vihirgaon		
	Virapuram		
	Vithalwara and Kadholi		
	Wadha		
	Waghala		
	Waregaon		
	Wassa		
	Wewli		
	Wisora		
	Zed Cherlapilli		
CHHINDWARA	Ambhari	1797, dated 21st April, 1879.	1879, Pt. IA., p. 223.
	Badgaon		
	Badwala		
	Banki		
	Chand		
	Jhillmilli		
	Khanapendrai		
	Kunkeri		

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List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
CHHINDWARA—*contd.*	Lehora	1797, dated 21st April, 1879.	1879, Pt. IA., p. 223.
	Lodikhera and Beora		
	Lodikhera and Matni		
	Machagora		
	Matni		
	Myendi		
	Ramakona		
	Ranpet		
	Remgari		
	Sajpand		
	Saoli		
	Singhari		
	Surra		
	Mohgaon and Pipla Narainwar.	2878, dated 11th July, 1879.	1879, Pt. IA., p. 280.
DAMOH	Aslana	1798, dated 21st April, 1879.	1879, Pt. IA., p. 224.
	Bailaghat		
	Banda		
	Barat		
	Berkheri		
	Degahar		
	Deoraghat		
	Ghat Piparia		
	Gyasabad		
	Hardua Pancham		
	Hatta Khas		
	Hurutghat		

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
DAMOH—*contd.*	Jirat	1798, dated 21st April, 1879.	1879, Pt. IA., p. 224.
	Jujhar		
	Kanti		
	Khowjakhiri		
	Khyraghat		
	Kukra		
	Kutri		
	Murah		
	Murdichghat		
	Narsingarh		
	Nohta		
	Panchamnaggar		
	Panji		
	Sittanaggar		
	Tejgarh		
	Udeypura		
	Bamhni Ladai	1469, dated 7th March, 1889.	1889, Pt. II, p. 46.
	Kerbana	No. 6532, dated 16th October, 1890.	1890, Pt. II, p. 273.
HOSHANGABAD	Aipa	3435, dated 13th August, 1879.	1879, Pt. IA, p. 291.
	Babri		
	Bandrabhan		
	Bankheri		
	Berkhari		
	Bhilaria		
	Bhutgaon		

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
HOSHANGABAD —*contd.*	Budhni	3435, dated 13th August, 1879.	1879, Pt. IA., p. 291.
	Chandgarh		
	Chhipaner		
	Dhana		
	Dimawar		
	Dongarwara		
	Gondagaon		
	Gwari		
	Kajlas		
	Khairaghat		
	Kondarwara		
	Luchgaon		
	Nanpa		
	Rajghat		
	Ramgarh		
	Sakatpur		
	Sandia		
	Sankla		
	Sangakhera		
	Sanichara		
	Talnagri		
	Tigaria		
	Patharia	1385, dated 25th April, 1881.	1881, Pt. II, p. 79.
JUBBULPORE	Barobi Kitola	1798, dated 21st April, 1879.	1879, Pt. IA., p. 224.
	Bassunghat		
	Bhimpar		

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
JUBBULPORE —*contd.*	Bindlighat	1798, dated 21st April, 1879.	1879, Pt. IA., p. 224.
	Bissari		
	Burrellighat(a)		
	Chargaonghat		
	Dabi		
	Garaghat(b)		
	Ginniwarighat		
	Goria Ghât		
	Gwari Ghât		
	Indrana Ghât		
	Katangi Ghât		
	Katra Belkhera		
	Konighat		
	Kusumghat		
	Lamheta		
	Magardha		
	Mandlaghat		
	Murwa Piparia(b)		
	Nehgownaghat		
	Ram Ghât		
	Silwa "		
	Simaria "		
	Tilwara "		
	Umpti		
	Ungoraghat		

(a) This ferry has been discontinued by Notification No. 1469, dated 7th March, 1889, in Central Provinces Gazette, 1889, Part II, p. 46.

(b) These ferries have been discontinued by Notification No. 1651, dated 5th April, 1884, in Central Provinces Gazette, 1884, Pt. II, p. 65.

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
JUBBULPORE —*concld.*	Bhairaghat	1469, dated 7th March, 1889.	1889, Pt. II, p. 46.
	Piparia		
MANDLA	Baliaghat	1798, dated 21st April, 1879.	1879, Pt. IA., p. 224.
	Bamni		
	Banjar Ghât		
	Bhupsa		
	Cheolia		
	Deogaon and Sakri		
	Ghagha		
	Ghugri		
	Hirdanaggar Ghat		
	Madpuri		
	Padmighat		
	Piparpani		
	Rajghat		
	Ramnagar Ghat		
	Rangrej Ghat		
	Tattighat		
	Urdu Ghat		
	Kusam	2206, dated 12th June, 1885.	1885, Pt. II, p. 112.
NAGPUR	Ambhora	1458, dated 26th March, 1879.	1879, Pt. IA, p. 202.
	Ashta		
	Bakhari		
	Bhanaigaon		
	Bina		
	Chhota Sonegaon		

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
NAGPUR—*contd.*	Chikna	1458, dated 26th March, 1879.	1879, Pt. IA., p. 202.
	Dahigaon Joshi		
	Dehli		
	Gorakpur		
	Issapur		
	Jhural (Jhular)		
	Karara		
	Khapa		
	Khandala		
	Kobna		
	Mohda		
	Nilaj		
	Palora		
	Salai		
	Sonegaon		
	Waraigaon		
NARSINGHPUR	Banskhera	1797, dated 21st April, 1879.	1879, Pt. IA., p. 223.
	Belkheri(a)		
	Belkheri(b)		
	Bhattira		
	Bhumia Dana		
	Bhysa Ghat		
	Bichuh		
	Birmahu Ghat		
	Budhgaon		

(a) This ferry is situate on the Sher River in the Narsinghpur District.
(b) This ferry is situate on the Nerbudda River in the Narsinghpur District.

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
NARSINGHPUR —*contd.*	Chanden Khera, including 15 Ghats.	1797, dated 21st April, 1879.	1879, Pt. IA., p. 223.
	Chinki Ghat . . .		
	Dhakila Kothia . . .		
	Dhewa Kachar . . .		
	Dhora Ghat		
	Dhup Ghat		
	Ghupur Ghat . . .		
	Gundwara		
	Hirapur		
	Imilia Ghat . . .		
	Jamunia " . . .		
	Jhansi " . . .		
	Karali " . . .		
	Kathotia		
	Khan Ghat . . .		
	Kheckra		
	Kherpani Ghat . . .		
	Khatlye		
	Khuckeeriah . . .		
	Khumaria		
	Kothia		
	Maharajgaon . . .		
	Mungawani Ghat . . .		
	Pattera		
	Pindrai		
	Piparia Ghat . . .		

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part, and page of Central Provinces Gazette in which published.
NARSINGHPUR —*concld.*	Sagaon Ghat	1797, dated 21st April, 1879.	1879, Pt. IA., p. 223.
	Sankal and Hirapur		
	Sunnuria		
	Supla		
	Tharthuri, including 12 Ghats		
	Tuyapani Rasera		
	Sandwich	2729, dated 27th June, 1879.	1879, Pt. IA., p. 258.
	Oorin, including 12 other Ghats		
	Bhama	958, dated 21st March, 1882.	1882, Pt. II, p. 51.
	Sundook	934, dated 10th March, 1883.	1883, Pt. II., p. 46.
NIMAR	Bhamgarh Ghat	1797, dated 21st April, 1879.	1879, Pt. IA., p. 223.
	Borda "		
	Dhaeda "		
	Gara "		
	Ghesur "		
	Hatnar "		
	Raj "		
	Sendwal "		
RAIPUR	Achhota	1574A, dated 4th April, 1879.	1879, Pt. IA., p. 210.
	Alkar		
	Akola		
	Akolaghat		
	Ametighat		
	Amora		
	Amtighat		
	Bagowd		

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
RAIPUR—*contd.*	Baherghat Bahesar Balodi(a) Balodi(b) Bamhnighat Banjarbhata Bansakra Basin Basind Beltukrighat Bemta Bharari Bhardhaghat Bhotha Birkoni Ghat Burein Changori Chapajhar Charodaghat Chatowd Chowar Damobainghat Dargaban Darri Datanghat Deokar	1574A., dated 4th April, 1879.	1879, Part IA., p. 210.

(a) This ferry is situate in the Balodi Mouza of the Raipur District.
(b) This ferry is situate in the Murra Mouza of the Raipur District.

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
RAIPUR—*contd.*	Ghatoli	1574A., dated 4th April, 1879.	1879, Pt. IA., p. 210.
	Goenda		
	Hathkoj		
	Hirapur		
	Jamanighat		
	Jamgaon		
	Jamrao		
	Jog		
	Kachna		
	Kanamoka		
	Kaoria (a)		
	Kaoria (b)		
	Kaoria (c)		
	Kaoria (d)		
	Kaoria (e)		
	Khamaria (f)		
	Khamaria (g)		
	Khami		
	Kharenga		
	Kharri		
	Kharwe		
	Khorpa		
	Khorsi (h)		
	Khorsi (i)		

(a) This ferry crosses the Bodra River.
(b) This ferry crosses the Kumbhkal River.
(c) This ferry crosses the Muriedhoa River.
(d) This ferry crosses the Pilimatti River.
(e) This ferry crosses the Jog River.
(f) This ferry crosses the Kolha River.
(g) This ferry crosses the Seonath River.
(h) This ferry is situate in the Limahi Mouza of the Raipur District.
(i) This ferry is situate in the Jara Mouza of the Raipur District.

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
RAIPUR—*contd.*	Khumbligarha Khurari Koeda Kolhan Kotri Kulia Kura Kutena Lakhna Lata Mahadeoghat Mahawaraghat Malinghat Manglor Modha Mohdi Mohrenga Nagpuraghat Narainpur Nari Nankati Mohani Nawagaon Nawagaonghat Nawapara Newari Nonhakonaghat	1574A., dated 4th April, 1879.	1879, Pt. IA., p. 210.

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
RAIPUR—*contd.*	Paragaonghat	1574A., dated 4th April, 1879.	1879, Pt. IA., p. 210.
	Patharidihi		
	Patpura		
	Pendhri		
	Pidhighat		
	Rajim		
	Ranitarai		
	Rawabhata		
	Reta		
	Rudri		
	Sakra		
	Samoda		
	Sardhu		
	Sarkhi		
	Satighat		
	Semraghat		
	Seoni		
	Sildip		
	Silghat		
	Simaria		
	Simga		
	Sirpur		
	Siwar		
	Sokra		
	Sonesarar		
	Sugera		

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
RAIPUR—*concld.*	Tabalghor	1574A., dated 4th April, 1879.	1879, Pt. IA., p. 210.
	Takam		
	Tarasco		
	Tarrighat		
	Tekapar		
	Temsara		
	Tipanghat		
	Tuma		
	Tulsi		
	Warakchhar		
	Argaon	2339, dated 28th May, 1879.	1879, Pt. IA., p. 246.
	Kumari		
SAMBALPUR	Amdi Tahur and Tahuraghat	1574A., dated 4th April, 1879.	1879, Pt. IA., p. 210.
	Amghora and Resemghat		
	Bhagora and Suplohraghat		
	Chanderpur and Padanpurghat		
	Dhonopali Ghat		
	Gandghora Dudalesingha Khindaghat, &c.		
	Grinderpur Ghat		
	Kodopali Ghat		
	Kumbari and Sripuraghat		
	Manaserghat		
	Rampilla Ghat		
	Talpatia and Thelapatighat		
SAUGOR	Balroli	1798, dated 21st April, 1879.	1879, Pt. IA., p. 224.
	Bernawad		

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page o Central Provinces Gazette in which published.
SAUGOR—*contd.*	Chowka	1798, dated 21st April, 1879.	1879, Pt. IA., p. 224.
	Dalpatpur		
	Dongargaon		
	Dugha Kalan		
	Eran		
	Ghogra Khejra		
	Girar		
	Hinnod		
	Jhilla		
	Jotkhera		
	Kourpur		
	Lakhar		
	Mehar		
	Nadia		
	Pitehra		
	Silarpur		
	Tehar		
SEONI	Alonikhapa	1798, dated 21st April, 1879.	1879, Pt. IA., p. 224.
	Belpet		
	Dobe		
	Mulara		
	Namad		
	Sanpaper		
WARDHA	Ajansara	1458, dated 26th March, 1879.	1879, Pt. IA., p. 202.
	Andori		
	Anji		

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
WARDHA—*contd.*	Anji Chota	1458, dated 26th March, 1879.	1879, Pt. IA., p. 202.
	Anterdoh		
	Apti		
	Babulgaon		
	Bhadbr		
	Bharaswara		
	Bopapur(a)		
	Bopapur(b)		
	Dandri		
	Dewarwarra		
	Dharori		
	Dhewri Pipri		
	Dhochi		
	Digghi		
	Dorla		
	Elekeli		
	Ghatsaoli		
	Hewra(c)		
	Hewra(d)		
	Hingni		
	Kandegaon		
	Kandhli		
	Kanhapur		
	Kanholi		
	Kapsi		

(a), (c) These ferries are situate in the Wardha Tahsil of the Wardha District.
(b), (d) These ferries are situate in the Hinganghat Tahsil of the Wardha District.

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—continued.

District in which the ferry is deemed to be situate.	Ferries.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
WARDHA—*contd.*	Kathri	1458, dated 26th March, 1879.	1879, Pt. IA., p. 202.
	Kawarghat		
	Khangaon		
	Kharangna Morangna . .		
	Kharda		
	Khubgaon (between Arvi and Pulgaon near Arvi).		
	Kumbhi (between Hinganghat and Larki).		
	Kurla		
	Kutki		
	Larki		
	Madni		
	Mahakal		
	Mangaon		
	Mansaoli		
	Nandgaon		
	Nimgaon		
	Paonar		
	Pardi		
	Pipri (between Wanaira and Pohna).		
	Pohna		
	Pothi		
	Pulgaon		
	Rohni		
	Sakli		
	Saonga		

List of public ferries in the Central Provinces declared or established by notification under Act XVII of 1878, section 4, clause (a), (b) or (c)—concluded.

District in which the ferry is deemed to be situate.	Ferries	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
WARDHA—*concld.*	Saongi[a]	1458, dated 26th March, 1879.	1879, Pt. IA., p. 202.
	Saongi[b]		
	Saongi Derda (between Mandgarh and Wardha).		
	Sarfal		
	Sarkher		
	Sathi		
	Selu		
	Seoni		
	Sewa Nandpur		
	Shekapur		
	Shergaon		
	Sirpur		
	Sorta		
	Takarkhera		
	Takli		
	Tembha		
	Thambha		
	Thateswar		
	Wadhyal		
	Wagholi		
	Wagholi (Waghol)		
	Wargaon	398, dated 19th January, 1888.	1888, Pt. II, p. 33.
	Alamdoho		
	Khelodee		
	Khoonee		
	Takle Darne		
	Tona		

(a) This ferry is situate on the Wardha River.
(b) This ferry is situate on the Wanna River.

List of municipalities in the Central Provinces to which Act XIV of 1879 (Hackney Carriages) has been applied by notification under section 3.

District.	Municipalities.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
Jubbulpore .	Jubbulpore .	5224, dated 3rd September, 1888.	1888, Pt. III, p. 83.
Nagpur . .	Nagpur . .	7147, dated 5th December, 1889.	1889, Pt. III, p. 139.
Saugor . .	Saugor . .	843, dated 13th February, 1890.	1890, Pt. III, p. 33.

List of places in the Central Provinces to which Act XX of 1879 (Glanders and Farcy) has been applied by notification under section 3.

District.	Places.	Extent to which applied.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
Jubbulpore . .	Cantonment of Jubbulpore.	The whole Act.	1740, dated 16th May, 1881.	1881, Pt. II, p. 91.
Nagpur . .	Cantonment of Kamptee			
Saugor . . .	Cantonment of Saugor .			

List of municipalities and cantonments in the Central Provinces to which Act XIII of 1880 (Vaccination) has been extended by notification under section 3 or section 4.

District.	Municipalities and Cantonments.	Whether extended to the whole or to part only of the Municipality or Cantonment.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
Hoshangabad .	Pachmarhi Cantonment.	The whole.	4198, dated 22nd September, 1883.	1883, Pt. II, p. 160.
Jubbulpore . .	Jubbulpore Cantonment			
Saugor . . .	Saugor Cantonment .			
Raipur . . .	Raipur Municipality .	The whole	6250, dated 25th October, 1888.	1888, Pt. III, p. 95.

Exemption made in the Central Provinces under Act XXII of 1881 (Excise), section 56.

Local area in respect of which the exemption was made.	Exemption.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
Sambulpur district .	The prohibition contained in section 5 of Act XXII of 1881 for the manufacture of *pachwai* without a license from the Collector not to apply to the private manufacture for household consumption and not for sale of any quantity of *pachwai* not exceeding four seers.	2438, dated 6th July, 1882.	1882, Pt. II, p. 122.

Circles and Groups constituted by order under Act I of 1883 (Central Provinces Local Self-government), section 3.

District.	Group.	Number of Circles.	Number of Villages	Date of order.	Year, Part and page of Central Provinces Gazette in which published [*see* section 39 (*1*) of the Act].
BALAGHAT .	Eastern . . .	4	460	27th April, 1889.	1889, Supplement, p. 199.
	Western . . .	3	249		
	Behir Tahsil . .	6	517		
	TOTAL DISTRICT COUNCIL.	13	1,226		
BETUL . .	Betul Tahsil . .	10	722	18th October, 1890.	1890, Supplement, p. 605.
	Multai " . .	7	412		
	TOTAL DISTRICT COUNCIL.	17	1,134		
BHANDARA .	Bhandara Tahsil .	6	556	7th July, 1888.	1888, Supplement p. 444.
	Sakoli " .	9	614		
	Tiroia " .	9	598		
	TOTAL DISTRICT COUNCIL.	24	1,768		

List of Circles and Groups constituted by order under Act I of 1883 (Central Provinces Local Self-government), section 3—continued.

District.	Group.	Number of Circles.	Number of Villages.	Date of order.	Year, Part and page of Central Provinces Gazette in which published [see section 39 (1) of the Act].
BILASPUR	Bilaspur Tahsil	16	831	27th October, 1888.	1888, Supplement, p. 659.
	Mungeli "	19	858		
	Seorinarain "	10	553		
	TOTAL DISTRICT COUNCIL.	45	2,242		
CHANDA	Brahmapuri Tahsil	12	477	11th February, 1888.	1888, Supplement, p. 87.
	Mul "	13	543		
	Warora "	11	548		
	TOTAL DISTRICT COUNCIL.	36	1,568		
CHHINDWARA	Chhindwara Tahsil	13	934	28th May, 1887.	1887, Supplement, p. 263.
	Sausar "	8	403		
	TOTAL DISTRICT COUNCIL.	21	1,337		
DAMOH	Damoh Tahsil	12	815	20th July, 1889.	1889, Supplement, p. 415.
	Hatta "	9	558		
	TOTAL DISTRICT COUNCIL.	21	1,373		
HOSHANGABAD	Harda Tahsil	9	637	26th July, 1890.	1890, Supplement, p. 405.
	Hoshangabad "	7	376		
	Seoni "	6	165		
	Sohagpur "	6	406		
	TOTAL DISTRICT COUNCIL.	28	1,584		
JUBBULPORE	Jubbulpore Tahsil	21	1,171	6th August 1887.	1887, Supplement, p. 455.
	Murwara "	12	574		
	Sihora "	16	817		
	TOTAL DISTRICT COUNCIL.	49	2,562		

Circles and Groups constituted by order under Act I of 1883 (Central Provinces Local Self-government), section 3—continued.

District.	Group.	Number of Circles.	Number of Villages.	Date of order.	Year, Part and page of Central Provinces Gazette in which published [*see* section 39 (*1*) of the Act].
NAGPUR	Katol Tahsil	8	498	16th August, 1890.	1890, Supplement, p. 459.
	Nagpur "	8	555		
	Ramtek "	8	560		
	Umrer "	9	678		
	TOTAL DISTRICT COUNCIL.	33	2,291		
NARSINGHPUR.	Gadarwara Tahsil	6	448	11th June, 1887.	1887, Supplement, p. 303.
	Narsinghpur "	6	539		
	TOTAL DISTRICT COUNCIL.	12	987		
NIMAR	Burhanpur Tahsil	5	140	6th September, 1990.	1890, Supplement, p. 495.
	Khandwa "	8	530		
	TOTAL DISTRICT COUNCIL.	13	670		
RAIPUR	Dhamtari Tahsil	21	899	19th January, 1889.	1889, Supplement, p. 39.
	Drug "	13	628		
	Raipur "	17	842		
	Simga "	16	751		
	TOTAL DISTRICT COUNCIL.	67	3,120		
SUMBULPUR	Bargarh Tahsil	13	506	14th July, 1888.	1888, Supplement, p. 469.
	Sumbulpur "	12	416		
	TOTAL DISTRICT COUNCIL.	25	922		
SAUGOR	Banda Tahsil	5	306	7th September, 1889.	1889, Supplement, p. 505.
	Kurai "	9	552		
	Rehli "	12	724		
	Saugor "	10	539		
	TOTAL DISTRICT COUNCIL.	36	2,121		

Circles and Groups constituted by order under Act I of 1883 (Central Provinces Local Self-government), section 3—concluded.

District.	Group.	Number of Circles.	Number of Villages.	Date of order.	Year, Part and page of Central Provinces Gazette in which published [see section 39 (1) of the Act].
SEONI	Lakhnadon Tahsil	12	776	18th January, 1890.	1890, Supplement, p. 43.
	Seoni "	10	691		
	TOTAL DISTRICT COUNCIL.	22	1,467		
WARDHA	Arvi	7	317	23rd April, 1887.	1887, Supplement, p. 197.
	Ashti	6	172		
	Deoli	7	174		
	Hinganghat	8	312		
	Wadner	4	102		
	Wardha	10	295		
	TOTAL DISTRICT COUNCIL.	42	1,372		

List of districts or parts of districts excepted from the operation of the provisions of Act I of 1883 (Central Provinces Local Self-government), by order under section 36.

District.	Part.	Provisions from which excepted.	Number and date of Notification.	Where published.
CHANDA	Sironcha Tahsil	The whole Act	...	*Vide* Extract from Chief Commissioner's Proceedings No. 7095-378, dated 30th November, 1889. (Review on District Fund Local Improvements Reports for 1888-89.)
	Zamindaris in the Chanda district.	Ditto	3175, dated 26th May, 1890.	Central Provinces Gazette, 1890, Pt. III, p. 79.
MANDLA	The whole district.	Ditto	Circular No. 6, dated 31st March 1883.	Central Provinces Gazette, 1883, Supplement, p. 119, para. 2.

Dates appointed under Act I of 1883 (Central Provinces Local Self-government), section 40, for the several District Councils and Local Boards established under section 4 coming into existence.

District.	Councils and Boards.	Dates on which they came into existence.	Number and date of Order.	Year, Part and page of Central Provinces Gazette in which published.
BALAGHAT	Balaghat District Council and Local Boards (Eastern and Western).	1st January, 1885.	5855, dated 19th December, 1884.	1884, Pt. II, p. 304.
	Behir Local Board .	22nd April, 1889.	——, dated 27th April, 1889.	1889, Supplement, p. 199.
BETUL . .	Betul District Council .	12th July, 1884.	3474, dated 15th July, 1884.	1884, Pt. II, p. 143.
	Betul Local Board .			
	Multai ditto .			
BHANDARA .	Bhandara District Council.	1st November, 1884.	5178, dated 4th November, 1884.	1884, Pt. II, p. 265.
	Bhandara Local Board .			
	Sakoli ditto .			
	Tirora ditto .			
BILASPUR . .	Bilaspur District Council	1st February, 1885.	427, dated 4th February, 1885.	1885, Pt. II, p. 21.
	Bilaspur Local Board .			
	Mungeli ditto .			
	Seorinarain ditto .			
CHANDA . .	Chanda District Council	1st October, 1884.	4441, dated 8th September, 1884.	1884, Pt. II, p. 186.
	Brahmapuri Local Board			
	Mul ditto .			
	Warora ditto .			
CHHINDWARA .	Chhindwara District Council.	14th August, 1884.	4223, dated 27th August, 1884.	1884, Pt. II, p. 179.
	Chhindwara Local Board			
	Saoner ditto .			

Dates appointed under Act I of 1883 (Central Provinces Local Self-government), section 40, for the several District Councils and Local Boards established under section 4 coming into existence—continued.

District.	Councils and Boards.	Dates on which they came into existence.	Number and date of Order.	Year, Part and page of Central Provinces Gazette in which published.
DAMOH	Damoh District Council Damoh Local Board Hatta ditto	1st April, 1884.	3020, dated 24th June, 1884.	1884, Pt. II, p. 123.
HOSHANGABAD	Hoshangabad District Council. Hoshangabad Local Board. Harda Local Board Seoni ditto Sohagpur ditto	15th July, 1884.	3535, dated 18th July, 1884.	1884, Pt. II, p. 143.
JUBBULPORE	Jubbulpore District Council. Jubbulpore Local Boards A and B. Murwara Local Board Sehora ditto	13th May, 1884.	2344, dated 13th May, 1884.	1884, Pt. II, p. 89.
NAGPUR	Nagpur District Council. Katol Local Board Nagpur ditto Ramtek ditto Umrer ditto	4th October, 1883.	4346, dated 4th October, 1883.	1883, Pt. II, p. 167.
NARSINGHPUR	Narsinghpur District Council. Gadarwara Local Board. Narsinghpur ditto	1st July, 1884.	3368, dated 11th July, 1884.	1884, Pt. II, p. 138.
NIMAR	Nimar District Council. Burhanpur Local Board Khandwa ditto	12th July, 1884.	3473, dated 15th July, 1884.	1884, Pt. II, p. 143.

Dates appointed under Act I of 1883 (Central Provinces Local Self-government), section 40, for the several District Councils and Local Boards established under section 4 coming into existence—concluded.

District.	Councils and Boards.	Dates on which they came into existence.	Number and date of Order.	Year, Part and page of Central Provinces Gazette in which published.
RAIPUR	Raipur District Council.	3rd May, 1884.	2546, dated 28th May, 1884.	1884, Pt. II, p. 103.
	Dhamtari Local Board			
	Drug ditto			
	Raipur ditto			
	Simga ditto			
SUMBULPUR	Sumbulpur District Council.	1st October, 1885.	3988, dated 12th October, 1885.	1885, Pt. VI, p. 83.
	Bargarh Local Board			
	Sumbulpur ditto			
SAUGOR	Saugor District Council.	1st May, 1884.	2343, dated 13th May, 1884.	1884, Part II, p. 89.
	Banda Local Board			
	Kurai ditto			
	Rehli ditto			
	Saugor ditto			
SEONI	Seoni District Council	18th January, 1890.	18th January, 1890.	1890, Supplement, p. 43.
	Lakhnadon Local Board	Ditto.	18th January, 1890.	1890, Supplement, p. 43.
	Seoni ditto	25th April, 1884.	2539, dated 27th May, 1884.	1884. Pt. II, p. 103.
WARDHA	Wardha District Council	1st July, 1884.	3163, dated 2nd July, 1884.	1884, Pt. II, p. 133.
	Arvi Local Board			
	Hinganghat ditto			
	Wardha ditto			
	Ashti ditto	Ditto.	3369, dated 11th July, 1884.	1884, Pt. II, p. 138.
	Deoli ditto			
	Wadner ditto			

List of towns to which Act XI of 1873 (Central Provinces Municipalities) has been extended by notification under section 4. (These notifications are kept in force by Act XVIII of 1889, section 2.)

District.	Towns.	Extent to which extended.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette on which published.
BALAGHAT	Lalbara	The whole Act.	2645, dated 10th July, 1877.	1877, Pt. IA., p. 233.
	Burha	Ditto	2776, dated 17th July, 1877.	1877, Appendix, p. 33.
	Katangi			
	Wara Seoni			
HOSHANGABAD	Pachmarhi	Ditto	1378, dated 1st April, 1886.	1886, Pt. III, p. 31.
JUBBULPORE	Murwara	Ditto	2331, dated 6th July, 1874.	1874, Appendix, p. 41.
NASRINGHPUR	Chhindwara	Ditto	1544, dated 25th April, 1877.	1877, Appendix, p. 2.
	Kareligunj	Ditto	4094, dated 2nd November, 1882.	1882, Appendix, p. 73.
RAIPUR	Dhamtari	Ditto	2778, dated 27th July, 1881.	1881, Appendix, p. 47.
WARDHA	Wardha	Ditto	3186, dated 10th September, 1874.	1874, Appendix, p. 63.

List of notifications issued under Act XI of 1873 (Central Provinces Municipalities), section 5, declaring what shall be deemed to be towns, and defining the limits of towns. (These notifications are kept in force by Act XVIII of 1889, section 2.)

District.	Towns.	Subject of Notification.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
BALAGHAT	Burha	Limits defined	2777, dated 17th July, 1877.	1877, Appendix, p. 33.

List of notifications issued under Act XI of 1873 (Central Provinces Municipalities), section 5, declaring what shall be deemed to be towns, and defining the limits of towns. (These notifications are kept in force by Act XVIII of 1889, section 2)—continued.

District.	Towns.	Subject of Notification.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
BALAGHAT—*contd.*	Katangi . . .	Limits defined	2779, dated 17th July, 1877.	1877, Appendix, p. 34.
	Lalbara . . .	Ditto .	2646, dated 10th July, 1877.	1877, Appendix, p. 31.
	Wara Seoni . .	Ditto .	2778, dated 17th July, 1877.	1877, Appendix, p. 33.
BETUL . .	Badnur . . .	Ditto .	984, dated 17th March, 1876.	1876, Appendix, p. 20.
	Betul . . .	Ditto .	987, dated 17th March, 1876.	1776, Appendix, p. 21.
	Multai . . .	Ditto .	976, dated 17th March, 1876.	1876, Appendix, p. 19.
BILASPUR . .	Bilaspur . . .	Ditto .	2225, dated 21st June, 1872.	1872, Appendix, p. 17.
CHANDA .	Chanda . . .	Ditto .	3038, dated 17th September, 1873.	1873, Appendix, p. 19.
	Warora . . .	Ditto .	3755, dated 5th October, 1876.	1876, Appendix, p. 89.
CHHINDWARA .	Chhindwara . .	Ditto .	942, dated 16th March, 1876.	1876, Appendix, p. 17.
	Lodhikhera . .	Ditto .	850, dated 9th March, 1876.	1876, Appendix, p. 13.
	Mohgaon . . .	Ditto .	643, dated 24th February, 1876.	1876, Appendix, p. 6.

List of notifications issued under Act XI of 1873 (Central Provinces Municipalities), section 5, declaring what shall be deemed to be towns, and defining the limits of towns. (These notifications are kept in force by Act XVIII of 1889, section 2)—continued.

District.	Towns.	Subject of Notification.	Number and date of Notification.	Year, part and page of Central Provinces Gazette in which published.
CHHINDWARA—*contd.*	Pandhurna	Limits defined	601, dated 21st February, 1876.	1876, Appendix, p. 5.
	Sausar	Ditto	649, dated 24th February, 1876.	1876, Appendix, p. 7.
DAMOH	Damoh	Ditto	859, dated 21st February, 1884.	1884, Appendix, p. 11.
HOSHANGABAD	Babai	Ditto	1093, dated 24th March, 1876.	1876, Appendix, p. 23.
	Harda	Ditto	655, dated 24th February, 1876.	1876, Appendix, p. 8.
	Pachmarhi	Ditto	1379, dated 1st April, 1886.	1886, Pt. III, p. 31.
	Seoni	Ditto	1378, dated 12th April, 1876.	1876, Appendix, p. 37.
	Sohagpur	Ditto	1996, dated 29th May, 1878.	1878, Appendix, p. 35.
JUBBULPORE	Jubbulpore	Ditto	4091, dated 16th July, 1888.	1888, Pt. III, p. 63.
	Murwara	Ditto	2335, dated 6th July, 1874.	1874, Appendix, p. 41.
MANDLA	Mandla	Ditto	452, dated 19th October, 1871.	1871, p. 794.
NAGPUR	Nagpur and Suburbs of Sitabuldi and Talki.	Ditto	3165, dated 4th September, 1872.	1872, Appendix, p. 40.

List of notifications issued under Act XI of 1873 (Central Provinces Municipalities), section 5, declaring what shall be deemed to be towns, and defining the limits of towns. (These notifications are kept in force by Act XVIII of 1889, section 2)—continued.

District.	Towns.	Subject of Notification.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
NAGPUR—*contd.*	Ramtek	Limits defined	2869, dated 20th July, 1877.	1877, Appendix p. 37.
	Umrer	Ditto	1243, dated 29th March, 1883.	1883, Appendix, p. 19.
NARSINGHPUR	Chhindwara	Ditto	1545, dated 25th April, 1877.	1877, Appendix, p. 7.
	Kareliganj	Ditto	4095, dated 2nd November, 1882.	1882, Appendix, p. 73.
	Narsinghpur	Ditto	1980, dated 21st April, 1887.	1887, Pt. III, p. 34.
			4518, dated 5th September, 1887.	1887, Pt. III, p. 91.
NIMAR	Burhanpur	Ditto	791, dated 17th March, 1873.	1873, Appendix, p. 5.
	Khandwa	Ditto	2108, dated 16th June, 1882.	1882, Appendix, p. 45.
	Onkar Mandhata	Ditto	980, dated 17th March, 1876.	1876, Appendix, p. 19.
RAIPUR	Dhamtari	Ditto	2778, dated 27th July, 1881.	1881, Appendix, p. 47.
	Raipur	Ditto	3237, dated 1st August, 1879.	1879, Appendix, p. 44.
SUMBULPUR	Sumbulpur	Ditto	1448, dated 9th April, 1883.	1883, Appendix, p. 29.

List of notifications issued under Act XI of 1873 (Central Provinces Municipalities), section 5, declaring what shall be deemed to be towns and defining the limits of towns. (These notifications are kept in force by Act XVIII of 1889, section 2) — concluded.

District.	Towns.	Subject of Notification.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.
SAUGOR	Saugor	Limits defined.	1682, dated 28th May, 1868.	1868, Vol. VII, No. 22, p. 318.
			2283, dated 21st June, 1880.	1880, Appendix, p. 37.
			3078, dated 16th July, 1886.	1886, Pt. III, p. 64.
SEONI	Seoni	Ditto	788, dated 8th March, 1882.	1882, Appendix, p. 11.
WARDHA	Arvi	Ditto	2423, dated 11th July, 1874.	1874, Appendix, p. 43.
	Deoli	Ditto	62, dated 6th January, 1874.	1874, Appendix, p. 1.
	Hinganghat	Ditto	2467, dated 12th July, 1872.	1872, Appendix, p. 27.
	Wardha	Ditto	3197, dated 8th September, 1875.	1875, Appendix, p. 41.

List of notifications extending to towns in the Central Provinces any of the Acts which were repealed by Act XI of 1873 (Central Provinces Municipalities) or defining the limits of towns in the Central Provinces to which any of those Acts were extended. (These notifications are kept in force by Act XVIII of 1889, section 2.)

District.	Town.	Subject of Notification.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.	Act under which issued.
BETUL	Badur	Extension of Act XV of 1867.	337, dated 17th May, 1867.	1867, p. 221.	Act XV of 1867, s. 21.
	Betul				
	Multai				

List of notifications extending to towns in the Central Provinces any of the Acts which were repealed by Act XI of 1873 (Central Provinces Municipalities) or defining the limits of towns in the Central Provinces to which any of those Acts were extended. (These notifications are kept in force by Act XVIII of 1889, section 2)—continued.

District.	Town.	Subject of Notification.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.	Act under which issued.
BHANDARA	Bhandara	Extension of Act XVIII of 1864.	335, dated 17th May, 1867.	1867, p. 221.	Act XXII of 1865, s. 2.
	Pauni Tumsar	Extension of Act XV of 1867.	337, dated 17th May, 1867.	Ditto	Act XV of 1867, s. 21.
BILASPUR	Bilaspur	Extension of Act XV of 1867.	337, dated 17th May, 1867.	Ditto	Ditto.
CHANDA	Chanda	Extension of Act XVIII of 1864.	335, dated 17th May, 1867.	Ditto	Act XXII of 1865, s. 2.
	Warora	Extension of Act XV of 1867.	337, dated 17th May, 1867.	Ditto	Act XV of 1867, s. 21.
CHHINDWARA	Chhindwara Mohgaon Pandhurna Sausar	Extension of Act XV of 1867.	Ditto	Ditto	Ditto.
	Lodhikhera	...	Not traceable	...	...
DAMOH	Damoh Hatta	Extension of Act XV of 1867.	337, dated 17th May, 1867.	1867, p. 221.	Act XV of 1867, s. 21.
HOSHANGABAD	Harda Hoshangabad	Extension of Act XVIII of 1864.	335, dated 17th May, 1867.	Ditto	Act XXII of 1865, s. 2.
	Babai Seoni Sohagpur	Extension of Act XV of 1867.	337, dated 17th May, 1867.	Ditto	Act XV of 1867, s. 21.

List of notifications extending to towns in the Central Provinces any of the Acts which were repealed by Act XI of 1873 (Central Provinces Municipalities) or defining the limits of towns in the Central Provinces to which any of those Acts were extended. (These notifications are kept in force by Act XVIII of 1889, section 2)—continued.

District.	Town.	Subject of Notification.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.	Act under which issued.
JUBBULPORE	Jubbulpore and its Suburbs, including the Civil Station of Jubbulpore.	Extension of Act XV of 1867.	290, dated 6th September, 1864.	1864, Vol. III, No. 39, p. 160.	Act XVIII of 1864, s. 21.
	Sehora	Extension of Act XV of 1867.	337, dated 17th May, 1867.	1867, p. 221.	Act XV of 1867, s. 21.
MANDLA	Mandla	Ditto	Ditto	Ditto	Ditto.
NAGPUR	Nagpur and its Suburbs, including the Stations of Setabuldi and Takhe.	Extension of Act of	63, dated 31st May, 1864.	1864, Vol. III, No. 25, p. 147.	Act XVIII of 1864, s. 21.
	Kalmeshwar	Extension of Act XV of 1867.	337, dated 17th May, 1867.	1867, p. 221.	Act XV of 1867, s. 21.
	Khapa				
	Mowar				
	Ramtek				
	Saonair				
	Umrer				
NARSINGHPUR.	Gadarwara	Ditto	Ditto	Ditto	Ditto.
	Kandeli				
	Narsinghpur				
NIMAR	Khandwa	Ditto	Ditto	Ditto	Ditto.
	Onkar Mandhata				
	Burhanpur	Extension of Act XVIII of 1864.	335, dated 17th May, 1867.	Ditto	Act XXII of 1865, s. 2.

List of notifications extending to towns in the Central Provinces any of the Acts which were repealed by Act XI of 1873 (Central Provinces Municipalities) or defining the limits of towns in the Central Provinces to which any of those Acts were extended. (These notifications are kept in force by Act XVIII of 1889, section 2)—concluded.

District.	Town.	Subject of Notification.	Number and date of Notification.	Year, Part and page of Central Provinces Gazette in which published.	Act under which issued.
RAIPUR	Raipur	Extension of Act XVIII of 1864.	335, dated 17th May, 1867.	1867, p. 221.	Act XXII of 1865, s. 2.
SUMBULPUR	Sámbulpur	Extension of Act XV of 1867.	337, dated 17th May, 1867.	Ditto	Act XV of 1867, s. 21.
SAUGOR	Saugor	Extension of Act XVIII of 1864.	335, dated 17th May, 1867.	Ditto	Act XXII of 1865, s. 2.
	Deori Garhakota Kurai Rehli	Extension of Act XV of 1867.	337, dated 17th May, 1867.	Ditto	Act XV of 1867, s. 21.
SEONI	Seoni	Ditto	Ditto	Ditto	Ditto.
WARDHA	Hinganghat	Extension of Act XVIII of 1864.	335, dated 17th May, 1867.	Ditto	Act XXII of 1865, s. 2.
	Arvi Deoli	Extension of Act XV of 1867.	337, dated 17th May, 1867.	Ditto	Act XV of 1867, s. 21.

APPENDIX II.

ACTS DECLARED IN FORCE IN, OR EXTENDED TO, THE SCHEDULED DISTRICTS OF THE CENTRAL PROVINCES BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874.(a)

The Scheduled Districts of the Central Provinces are (see the Scheduled Districts Act, 1874,(a) First Schedule, Part VI)—

Chhattisgarh Zamindáris, viz:—

1. Khariár.
2. Bindrá Nawágarh.
3. Sahezpúr.
4. Gándai.
5. Silhetí.
6. Barbaspúr.
7. Thákurtolá.
8. Lohárá.
9. Gondardehí.
10. Fingeswar.
11. Pándariá.
12. Pendrá.
13. Mátín.
14. Uprorá.
15. Kendá.
16. Láphá.
17. Chhúrí.
18. Korbá.
19. Ghapá.
20. Borá Sámbhar.
21. Phúljhar.
22. Kolábirá.
23. Rámpúr.

Chánda Zamindáris.

1. Ahírí.
2. Ámbágarh Chaukí.
3. Áundhí.
4. Dhanorá.
5. Dúdhmálá.
6. Gewardá.
7. Jhárápáprá.
8. Khutgáon.
9. Koráchá.
10. Kotgal.
11. Muramgáon.
12. Pánábáras.
13. Palasgarh.
14. Rángí.
15. Sirsundí.
16. Sonsarí.
17. Chándálá.
18. Gilgáon.
19. Páwí Mutándá.
20. Pategáon.

Chhindwárá Jágirdáris.

1. Haraí.
2. Chháter.
3. Gorakhghát.
4. Gorpání.
5. Baktágarh.
6. Bardágarh.
7. Pachmarhí.
8. Partábgarh.
9. Almod.
10. Sonpúr.
11. Bariám Pagárá.

The Scheduled Districts Act, 1874,(a) was brought into force by Notification No. 449, dated the 10th April, 1878, published in Gazette of India, 1878, Part I, p. 266 (and in Central Provinces Gazette, 1878, Part I, p. 83), which runs as follows:—

In exercise of the powers conferred by section 3 of Act XIV of 1874(a) (the Scheduled Districts Act), the Chief Commissioner of the Central Provinces is pleased, with the previous sanction of the Governor General in Council, to declare that the said Act is in force in the following Scheduled Districts of the Central Provinces:—

(Here follows a list of all the Scheduled Districts, as printed *supra*.)

(a) Printed, General Acts, 1867-76, Ed. 1887.

List of Acts declared in force in, or extended to, the Scheduled Districts of the Central Provinces by Notification under the Scheduled Districts Act, 1874.

Year.	No.	Subject.	Extent to which declared in force or extended.	Scheduled districts.	Notification.
		Acts of the Governor General in Council.			
1839	XXXII(a)	Interest . .	So much as was on the 10th day of December, 1879, in force in those parts of the Central Provinces which are not included in any Scheduled District.	Declared in force in all the Scheduled Districts of the Central Provinces.	*The 10th December, 1879.* *No. 1385.*—In exercise of the power conferred by section 3 of the Scheduled Districts Act, 1874, the Chief Commissioner of the Central Provinces is pleased, with the previous sanction of the Governor General in Council, to declare that so much of each of the enactments mentioned in the schedule hereto annexed as is in force in those parts of the Central Provinces which are not included in any Scheduled District is in force likewise in the Scheduled Districts of those Provinces. Nothing herein contained shall be deemed to affect the operation of any enactment in force in any of the said Scheduled Districts and not mentioned in the following Schedule. (Here follows the Schedule, which contains, among other enactments, Act XXXII of 1839.) [See Gazette of India, 1879, Part I, p. 771; Central Provinces Gazette, 1879, Part I, p. 324.]

(a) Printed, General Acts, 1834-66, Ed. 1887.

List of Acts declared in force in, or extended to, the Scheduled Districts of the Central Provinces by notification under the Scheduled Districts Act, 1874—continued.

Year.	No.	Subject.	Extent to which declared in force or extended.	Scheduled Districts.	Notification.
		Acts of the Governor General in Council—continued.			
1841	XI(a)	*Military Courts of Requests.*	So much as was on the 10th day of December, 1879, in force in those parts of the Central Provinces which are not included in any Scheduled District.	Declared in force in all the Scheduled Districts of the Central Provinces.	See Notification No. 1385, *supra*, p. 386.
"	XIX(b)	Curators in cases of Succession.			
1842	XII(a)	*Military Bazars*	Ditto .	Ditto .	Ditto.
1843	V(b)	Slavery . .	Ditto .	Ditto .	Ditto.
1847	XX(b)	Copyright .			
1850	XII(b)	Security from Public Accountants.			
"	XVIII(b)	Protection of Judicial Officers.			
"	XIX(b)	Apprentices .			
"	XXI(b)	Abolition of Religious Disabilities.			
"	XXXIV(b)	State Prisoners .			
"	XXXVII(b)	Public Servants .			
1852	XXXIII(a)	*Enforcement of Judgments of Military Courts of Requests.*	*So much as relates to Military Courts of Requests and as was on the 10th day of December, 1879, in force in those parts of the Central Provinces which are not included in any Scheduled District.*	Ditto .	Ditto.

(a) Acts XI of 1841, XII of 1842 and XXXIII of 1852 are repealed by Act VIII of 1887.
(b) Printed, General Acts, 1834-66, Ed. 1887.

List of Acts declared in force in, or extended to, the Scheduled Districts of the Central Provinces by notification under the Scheduled Districts Act, 1874—continued.

Year.	No.	Subject.	Extent to which declared in force or extended.	Scheduled districts.	Notification.
		Acts of the Governor General in Council—continued.			
1853	II(a)	Liabilities of Landholders.	So much as was on the 10th day of December, 1879, in force in those parts of the Central Provinces which are not included in any Scheduled District.	Declared in force in all the Scheduled Districts of the Central Provinces.	See Notification No. 1385, *supra*, p. 386.
1854	XXXI(a)	Barring Entails: Conveyances by Married Women.	Ditto	Ditto	Ditto.
1855	XI(a)	Mesne Profits and Improvements.			
"	XII(a)	Executors and Administrators.			
"	XIII(a)	Compensation for Deaths.			
"	XXIV(a)	Penal Servitude.			
"	XXVIII(a)	Interest.			
1856	XI(a)	Desertion by European Soldiers.			
"	XV(a)	Remarriage of Hindu Widows.			
1857	XI(a)	State Offences.			
"	XXV(a)	Forfeitures by Mutineers.			
1858	III(a)	State Prisoners.			
"	XXXV(a)	Estates of Lunatics.			

(a) Printed, General Acts, 1834-66, Ed. 1887.

List of Acts declared in force in, or extended to, the Scheduled Districts of the Central Provinces by notification under the Scheduled Districts Act, 1874—continued.

Year.	No.	Subject.	Extent to which declared in force or extended.	Scheduled Districts.	Notification.
		Acts of the Governor General in Council—continued.			
1858	XXXVI[a]	Lunatic Asylums.	So much as was on the 10th day of December, 1879, in force in those parts of the Central Provinces which are not included in any Scheduled District.	Declared in force in all the Scheduled Districts of the Central Provinces.	See Notification No. 1385, *supra*, p. 386.
1859	III[b]	*Cantonment Joint Magistrates.*	Ditto	Ditto.	Ditto.
"	IX[a]	Claims to Property seized as forfeited.			
"	XV[c]	*Patents.*			
1860	XXVII[d]	*Collection of Debts on Succession.*			
1863	XXXI[e]	Gazette of India.			
1864	III[e]	Foreigners.			
"	VI[e]	Whipping.			
1865	III[e]	Common Carriers.			
1869	XV[e]	Evidence of Prisoners.			
1872	X[f]	*Code of Criminal Procedure.*			

(a) Printed, General Acts, 1834-66, Ed. 1887.
(b) Act III of 1859 is repealed by Act VIII of 1887.
(c) Act XV of 1859 is repealed by Act V of 1888.
(d) Act XXVII of 1860 is repealed by Act VII of 1889.
(e) Printed, General Acts, 1867-76, Ed. 1887.
(f) Act X of 1872 is repealed by Act X of 1882.

List of Acts declared in force in, or extended to, the Scheduled Districts of the Central Provinces by notification under the Scheduled Districts Act, 1874—continued.

Year.	No.	Subject.	Extent to which declared in force or extended.	Scheduled Districts.	Notification.
		Acts of the Governor General in Council—continued.			
					The 10th December, 1879.
1877	I(a)	Specific Relief	The whole Act.	Extended to all the Scheduled Districts of the Central Provinces.	*No. 1386.*—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874, the Chief Commissioner of the Central Provinces is pleased, with the previous sanction of the Governor General in Council, to extend the following Acts to the Scheduled Districts of the Central Provinces :— Act I of 1877 (The Specific Relief Act). * * * [See Gazette of India, 1879, Part I, p. 772; Central Provinces Gazette, 1879, Part I, p. 325.]
	X(b)	*Code of Civil Procedure.*	*The whole Code, except sections 1 and 3, and so much as authorizes the sale of immoveable property in execution of a decree not being a decree directing the sale of such property.*	Ditto	*See Notification No. 1386, supra.*

(a) Printed, General Acts, 1877-81, Ed. 1884.
(b) Act X of 1877 is repealed by Act XIV of 1882.

List of Acts declared in force in, or extended to, the Scheduled Districts of the Central Provinces by notification under the Scheduled Districts Act, 1874—continued.

Year.	No.	Subject.	Extent to which declared in force or extended.	Scheduled Districts.	Notification.
		Acts of the Governor General in Council—continued.			
1879	XII(a)	*Amending Code of Civil Procedure.*	*The whole Act, except so much as amends the Indian Registration Act, 1877, and the Indian Limitation Act, 1877.*	*Extended to all the Scheduled Districts of the Central Provinces.*	*No. 1325, dated 22nd December, 1880, in Gazette of India, 1880, Part I, p. 704: Central Provinces Gazette, 1881, Part I, p. 7.*
1882	XIV(b)	Code of Civil Procedure.	The whole Act, except sections 1 and 3 and so much as authorizes the sale of immoveable property in execution of a decree, not being a decree directing the sale of such property.	Ditto	*The 1st June, 1882. No. 760.*—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act, 1874), the Chief Commissioner of the Central Provinces is pleased, with the previous sanction of the Governor General in Council, to extend Act XIV of 1882 (the Code of Civil Procedure) to the Scheduled Districts of the Central Provinces, except sections 1 and 3, which are already in force, and so much thereof as authorizes the sale of immoveable property in execution of a decree, not being a decree directing the sale of such property. [See Gazette of India, 1882, Part I, p. 217; Central Provinces Gazette, 1882, Part I, p. 75.]

(a) The portion of Act XII of 1879 which was extended is repealed by Act XIV of 1882.
(b) For Act XIV of 1882, see the revised edition, as modified up to the 1st July, 1888, published by the Legislative Department.

List of Acts declared in force in, or extended to, the Scheduled Districts of the Central Provinces by notification under the Scheduled Districts Act, 1874—continued.

Year.	No.	Subject.	Extent to which declared in force or extended.	Scheduled Districts.	Notification.
		Acts of the Governor General in Council—continued.			
1888	VII[a]	Amending Code of Civil Procedure.	The whole Act, except so much thereof as amends the Indian Registration Act, 1877, and the Indian Limitation Act, 1877.	Extended to all the Scheduled Districts of the Central Provinces.	*The 28th August, 1888. No. 5099.*—In exercise of the power conferred by section 5 of the Scheduled Districts Act, XIV of 1874, the Chief Commissioner of the Central Provinces, with the previous sanction of the Governor General in Council, extends to the Scheduled Districts of the Central Provinces the Civil Procedure Code Amendment Act, VII of 1888, except so much thereof as amends the Indian Registration Act, 1877, and the Indian Limitation Act, 1877, which is already in force. [See Gazette of India, 1888, Part I, p. 408; Central Provinces Gazette, 1888, Part II, p. 193.]
"	X(a)	Amending Code of Civil Procedure.	Sections 1 and 3.	Ditto	*The 8th May, 1889. No. 2862.*—In exercise of the power conferred by section 5 of the Scheduled Districts Act, XIV of 1874, the Chief Commissioner of the Central Provinces, with the previous sanction of the Governor General in Council, extends to

(a) Printed, General Acts, 1885-88, Ed. 1889.

List of Acts declared in force in, or extended to, the Scheduled Districts of the Central Provinces by notification under the Scheduled Districts Act, 1874—concluded.

Year.	No.	Subject.	Extent to which declared in force or extended.	Scheduled Districts.	Notification.
		Acts of the Governor General in Council—concluded.			
1888	X—*contd.*	Amending Code of Civil Procedure.			the Scheduled Districts of the Central Provinces sections 1 and 3 of Act X of 1888 (to amend the Code of Civil Procedure and the Presidency Small Cause Courts Act, 1882). [See Gazette of India, 1889, Part I, p. 92; Central Provinces Gazette, 1889, Part II, p. 87.]

NOTE.—No rules of procedure have ever been issued for the Scheduled Districts of the Central Provinces under Act XIV of 1874, s. 6, or prior to the passing of that Act (see Act XIV of 1874, s. 7). [Letter from Chief Commissioner, No. 4989—492, dated 6th August, 1890.]

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